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ABSTRACT

This report looks at recent educational history in West Virginia, particularly in Lincoln County, where school conditions stemming from poverty and politics resulted in the historic 1982 decision by Judge Arthur Recht. The Recht Decision found that the state's public schools failed to meet the "thorough and efficient" standard demanded by the West Virginia Constitution. It ordered that school financing be restructured to provide the same educational opportunities to all children, regardless of property values in their counties. The task of formulating and implementing a Master Plan to satisfy the Recht Decision was given to the State Department of Education, an action deplored by reform activists. While the Master Plan resulted in increased supplies and equipment in poor schools and equalization of teachers' salaries across counties, it also led to massive school consolidation, the burden of which fell disproportionately on children in poor rural counties. This report draws on interviews with teachers, students, administrators, government officials, and parents to explore the Recht Decision and its impact on state education policy and state tax policy. Sections examine the conditions leading to Pauley v Bailey; the Recht Decision and its immediate aftermath; the history of tax inequities in West Virginia, where coal companies and other corporations have paid minimal taxes; formulas and other mechanisms used to allocate school funds; social, economic, and educational inequities and the politics that sustain them; opposition to and impacts of consolidation; recent court decisions revisiting the Recht Decision and its unfinished business; and recommendations. (SV)

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ED 426 839

Whatever Happened to Pauley vs. Bailey?

The Story of the Politics of Education in West Virginia!

by Beth Spence

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Challenge West Virginia

This study takes a look at recent education history in West Virginia, particularly in Lincoln County, where conditions in public schools resulted in the historic 1982 decision by Judge Arthur Recht.

In his decision, Judge Recht found the state's public schools failed to measure up to the "thorough and efficient" standard demanded by the West Virginia Constitution. He ordered that school financing be restructured so children from counties with low property values could receive the same educational opportunities as children from counties with higher property values.

Through a series of interviews with teachers, students, administrators, government officials and parents, this study explores the Recht Decision and its impact on state education policy and state tax policy. At the same time, it raises questions about where West Virginia is headed after more than fifteen years of education reform.

"The Story of the Politics of Education in West Virginia" is dedicated to those who have been part of the long battle for educational equity and who have shared with us both their frustrations and their hopes and dreams for a better future for West Virginia's children.

Black & white cover photos: Beth Spence & Jim Balow

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INTRO-

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"I had four boys in school at the time," she said. "And I didn't want my children to just go without some kind of push. So I did all the pushing I possibly could do at that time."

Janet Pauley

"I don't raise them in sewer. I don't approve of this." — Janet Pauley

In 1971, six months after her family moved back to Lincoln County from Chicago, one of Janet Pauley's boys asked her to come to a PTA meeting at McCorkle Elementary, a rural, four-room school for students in grades one through eight in what was then a remote area of the county.

"So I went down to the meeting, and I happened to look and the seats were broken in the school. You couldn't even sit down. I bet there were 21 windows broken out in that school. And, most of all, the smell, oh, you couldn't stand it," Mrs. Pauley recalled more than 25 years later.

Although she had been raised in neighboring Boone County and her husband was a native of Lincoln County, Mrs. Pauley felt like an outsider at the PTA meeting. All eyes were on her when she asked about the foul odor that permeated the school. "It's the sewer out there," the principal responded, nodding to the rear of the school where a river of waste ran through the children's play area.

"Well, I threw a fit because I had four children at the time in the school," Janet Pauley said. "I said, 'I'm not sending my kids to school like this. I don't raise them in sewer. I don't approve of this.'"

The principal said, "There's not anything we can do." Janet Pauley said there was plenty she could do. But at the time she uttered that vow, Mrs. Pauley never dreamed that before she was finished, her name would be linked forever with the battle for better schools in West Virginia.

Initially Mrs. Pauley went to the Board of Education in the county seat of Hamlin, taking with her some of the broken desks. While she was there, she emphatically voiced her concern about the open sewer that was running across the playground at her children's school. After Mrs. Pauley lodged her complaint, she said officials tried to bar her from the school ground, telling her what she was doing was against Board of Education rules.

photo: Charleston Gazette

Janet Pauley

The tactic might have worked against someone more easily intimidated. But Janet Pauley went to the State Department of Education, where then State Schools Superintendent Dan Taylor told her she had every right to be concerned about conditions at McCorkle Elementary.

"I had four boys in school at the time," she said. "And I didn't want my children to just go without some kind of push. So I did all the pushing I possibly could do at that time."

Janet Pauley's push started a mighty rumble. *Pauley v. Bailey*, the lawsuit carrying her name and the names of her sons, would set in motion a series of events that continue to be felt in West Virginia schools, including the historic decision by Circuit Judge Arthur Recht in 1982 which ordered the complete overhaul of the education system.

More than twenty-five years after Janet Pauley committed herself to doing something about the waste running across the McCorkle playground, the Pauley case and the Recht Decision are still being debated in West Virginia. What, if anything, has the landmark court case meant to the school children of West Virginia, particularly those in Lincoln County where the case was born? Is the education system better for it? Is the future for Lincoln County children any brighter than it was when Janet Pauley's four boys trudged up the road to McCorkle Elementary in 1971?

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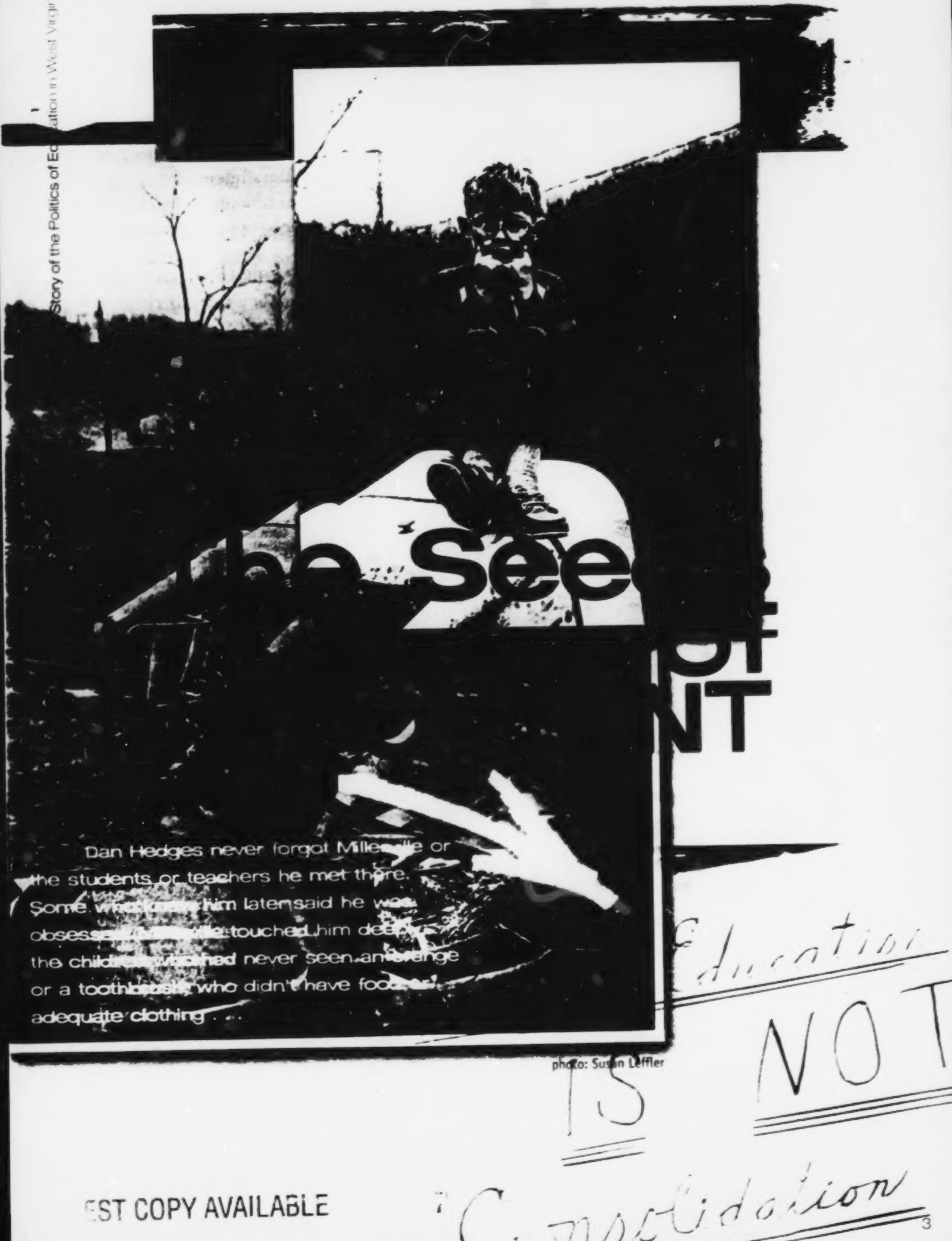
Whatever Happened to Pauley vs. Bailey?

Story of the Politics of Education in West Virginia



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Dan Hedges never forgot Mille[illegible] or the students or teachers he met there. Some [illegible] him later said he was obsess[illegible] touched him deep[illegible] the child[illegible] had never seen an [illegible] or a tooth[illegible] who didn't have foo[illegible] adequate clothing . . .

photo: Susan Leffler

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“She would feed them, so they had an incentive to go to that school.”

At the time Janet Pauley was beginning her push in Lincoln County, a legal services lawyer from Charleston was searching for a way to bring about school reform through the court system. A native of Roane County, Dan Hedges was an attorney for the Appalachian Research and Defense Fund, a non-profit organization which provided legal services to needy West Virginians. But Hedges wasn't content merely to file divorce papers and property deeds for the poor. He wanted to make a difference, to change the circumstances that made them poor. And he thought education was the key.

photo: Charleston Gazette

Dan Hedges

Years before he became a lawyer, in fact, when he was not long out of high school, Hedges had an experience which was seared into his consciousness. Thirty years later, he still can evoke the feel, smell and texture of a one-room school in northern Roane County called Millerville, a school where his grandfather had taught in the years between 1900 and 1904.

On his initial visit to Millerville, Hedges carried a well-worn picture which had belonged to his grandfather. To his surprise, "the school room was just about the same except by that time it had electric lights in it," he recalled. "In my grandfather's picture, it had a coal stove, a wood stove, but it wasn't that much different when I went to look at it in 1965."

The teacher was a 1962 graduate of Hedges' high school. "The year he graduated he went to that school and started teaching because people in Roane County taught on certificates when they graduated from high school. I think he made $2,700 that year," Hedges said.

Hedges maintained a relationship with Millerville by repeated visits to both the school and to the homes of some of the students. When most of the county's one-room schools were a part of history, Millerville remained open for a handful of students. They could have taken the bus on into the county seat of Spencer to the large consolidated county high school, but they instead chose to remain at the tiny rural school.

"The kids that got off there were the kids that didn't have anything to eat and didn't have any clothes so they were embarrassed and they were hungry," Hedges said. The teacher who succeeded Hedges' classmate at Millerville was a young woman who would bring food from home for the students.

"She was paid next to nothing, and she didn't have but a high school education either," Hedges said. "She would feed them, so they had an incentive to go to that school. They had 17 kids in the classroom, grades first to eighth, and the only books they had were books that had been discarded by other people. It was pretty deplorable. The only food they got was what she fed them. Nearly half the time they didn't have food at home. I got to know some of those kids pretty well. They were very poor."

Dan Hedges never forgot Millerville or the students or teachers he met there. Some who knew him later said he was obsessed. Millerville touched him deeply – the children who had never seen an orange or a toothbrush, who didn't have food or adequate clothing, who were taught by teachers not much older than they, who lacked books, equipment and supplies, who were a throwback to a different era and a different set of values.

When Hedges became an attorney, he repeatedly brought lawsuits that would require school districts to provide free textbooks for students.

"I brought three lawsuits about school books before we finally got one that got something," he said. "We had one out in Lincoln County that I worked on with another lawyer, and we got this court order that the Department of Education was complicit in, saying you had to provide free books to kids according to the free school lunch guidelines. And that order is still there, that order is still in effect."

But it wasn't enough. Free textbooks by themselves did nothing to equalize the education offered to children at schools like Millerville and McCorkle as compared with other schools in the same districts. So Dan Hedges kept his eyes and ears open, searching for a way to take action on behalf of children like those he had encountered at Millerville. Then he met Janet Pauley.

Hedges can't recall the circumstances of that initial meeting, but Janet Pauley says she first met the young lawyer when she went to his office for help with a tax matter. "Our taxes were all goofed up here, and I had to have help to get them back on track. So that's how I really got acquainted with Dan," she said.

Hedges doesn't remember that. But he does remember Janet Pauley coming into his office to discuss problems with the school facilities.

"I believe she came with some other women," he said. "(Janet) had lived out there (Chicago), and she saw what kind of schools her kids went to. Then when she came home, she was horrified by what she saw. She was from here, but she really just hadn't remembered or something because when she came back, that school made her really upset.

"She'd been up to the Department of Education, right in the superintendent's office. Back then we had a lot more dynamic state superintendent who cared a lot about these issues. That's not to say somebody else doesn't, but Dan Taylor always had a perspective that you've got to be working at things and doing things to try to make change come about. And he really did care about those kinds of things. He really wanted to cause things to happen to bring about educational change."

The parents described school conditions to Hedges. From the first meeting, Mrs. Pauley was ready to make her "push" as she called it, but her primary concern still was with her own boys and the school they attended. Dan Hedges was concerned about Mrs. Pauley's sons, but he wanted to file a suit that would affect all West Virginia school children, especially those in the poorest of schools.

Hedges surveyed the law as it existed. At the time there were a number of cases being litigated around the country which argued that certain students did not receive "equal protection" under the federal constitution.

"We were aware these were going on, and we were aware one was going to the United States Supreme Court, so we waited. I can't remember all the time lines, but I know there was a period of time in there, about a year, in which we waited for the Supreme Court because there wasn't any sense getting started down the road in one direction when we weren't sure how it was going to result," Hedges said.

One of the cases the lawyer kept an eye on had come out of Texas. Attorneys there argued that poor children were not receiving the same quality of education as more affluent children. They maintained that the education system was in violation of the equal protection clause of the United States Constitution.

But the United States Supreme Court struck down that argument, ruling that the equal protection clause did not apply to school districts. "The court said it doesn't make any difference. Basically, there is no right under the federal constitution to any equality when it comes to education," Hedges said.

Dan Hedges turned his attention to the constitution of the State of West Virginia. "I remember meeting with some folks that did nothing but school finance and thinking of approaches to try to bring about a remedy on a state level," he said. "It took us a period of time to research the background in this state and put together a complaint that was filed in court in 1975."

Hedges found his key in a provision of the West Virginia constitution that says the Legislature will provide for a "thorough and efficient" system of public education. The provision has been law in West Virginia since 1872.

In 1975 he filed suit in Kanawha Circuit Court on behalf of Janet Pauley, her sons Duane Berkman Pauley and Delbert Thurman Pauley, Jr., "and on behalf of all other similarly situated" plaintiffs. Defendants in the suit were then State Treasurer Larrie Bailey, Auditor Glen B. Gainer, Jr., members of the West Virginia State Board of Education, State Superintendent of Schools Roy Truby, Tax Commissioner David C. Hardesty, the Board of Education of Lincoln County, Lincoln County Superintendent Charles S. McCann, the County Commission of Lincoln County and Lincoln County Assessor Dennis Browning. Bailey's name became attached to the case only by the luck of the draw – he was the official whose name came first alphabetically.

photo: Beth Spence

Although *Pauley v. Bailey* was filed in Kanawha Circuit Court in 1975, it wasn't until 1977 that Judge Robert Smith finally heard arguments in the case. Months passed without a decision.

"The judge had it for a year," Hedges said. "Then he dismissed the whole thing, basically saying, which he said in the courtroom that day, that the state Supreme Court was going to have to decide it anyway so why not let them decide it now. He dismissed the whole case, saying there was no cause of action."

Hedges went to the West Virginia Supreme Court to argue the case. In 1979 he won a major victory when the high court held that children did have rights under the state constitution not only under the "thorough and efficient" clause but also under the protection clause.

Justice Sam Harshbarger, often the forgotten man in the education reform movement in West Virginia, wrote the majority opinion, in which he defined a "thorough and efficient" system of education as *"the best that the state of education expertise allows."* The justices ordered that a trial be held to determine the qualities that made up the best the state of education expertise allows, to see if West Virginia schools met those standards and if not, why not.

Ric MacDowell remembers well the kind of school conditions that so disturbed Janet Pauley, and they were far from the best the state of education expertise allowed, even by 1972 standards.

That was the year MacDowell started his teaching career in Lincoln County in a combined seventh and eighth grade class at Martin School, one of a number of four-room facilities sprinkled throughout rural areas of the county. Martin, on the Mud River, was even more remote than McCorkle, and the community surrounding the school was an area of acute, almost indescribable poverty.

"Because I was the only male at the school, I also was the basketball coach," said MacDowell. "Of course, the school at that point had no multi-purpose room. So in order to have basketball practice, we had to go to the high school at Duval, which was a long way off.

"Because I couldn't get any parents to drive, I had to drive all the kids, and I had to take them all home again, so I was able to drive up their hollows and go to the houses where they lived. I didn't usually go into people's houses. I stood on the front porches and sometimes talked to the parents, but it was obvious from the houses that

"A lot of the teachers didn't seem like they were doing anything at all in the classroom. I mean, they weren't doing a thing."

many of the people were very poor – no running water, there were outhouses at many."

MacDowell can remember children coming to school without coats in the winter, children who came from homes where there were no books, no pencils, no paper, no encouragement. Their school surroundings were as bleak as their homes.

The commodes in the girls' bathroom at Martin School were always overflowing, a situation that also became MacDowell's responsibility by virtue of his being a male. The school had no cafeteria so students and faculty ate their lunches at their desks. Unsafe swings dangled from broken chains on the playground, where maybe two of six teeter-totters could be used. The others were cracked and broken.

MacDowell remembers going to a store in Hamlin to buy chains and hooks for the swings out of his own pocket. The store owner knew the supplies were for the school, so he sold them to the teacher at a greatly reduced cost.

But worse even than the physical facility was the fact that there were never enough books for the children. "Not only weren't there books for all the kids, but there were never any supplies," MacDowell said. "I don't know whether it was because there was no money or whether it was being funneled in other ways. In those years kids had to buy their own workbooks. They had to go all the way to Griffithsville to buy these workbooks, and a lot of kids never did get any so we ended up not using them."

Nothing he had seen in his life prepared Ric MacDowell for the families he met in Lincoln County. His childhood years were spent in Pennsylvania and Illinois before he went to Grinnell College in Iowa. He was drawn to West Virginia after reading an article in the *Des Moines (Iowa) Register* which told of VISTA volunteers and Appalachian Volunteers uncovering vote fraud in Mingo County.

photo: Beth Spence

"I said, 'That's what I want to do,'" he recalled. So MacDowell applied to VISTA, Volunteers in Service to America. He was assigned to Putnam County, WV, where he failed to find any activity nearly as exciting as that he had read about. But he was placed with a family on the Lincoln County border in a house where he still lives. It was from there that he entered the education system in a county that desperately needed teachers and discovered his own arena for social change.

"This was my first real teaching experience," he said. "I wasn't exactly sure where the students were supposed to be educationally. There were no real standards. I had left the state and gotten a Masters Degree in Education, so I came back with some reading assessment tools. I gave some of these diagnostic tests to the kids. And very few of them were at the level they were supposed to be.

"They were seventh and eighth graders, but they were at the fourth grade or fifth grade levels. Even the kids who seemed bright were not where they were supposed to be. I think part of it was the teachers they had had."

Martin School was considered by many teachers the end of the line. "There was a lot of turnover because nobody wanted to be at Martin," McDowell said. "Martin was the place where they sent you if you were really a bad boy. When there were openings, people were not bidding to go there.

Politics is the lifeblood of Lincoln County, a small, rural, sparsely-populated area of rugged farmland and high unemployment . . .

"There were some teachers who were excellent," MacDowell said. "Lillian Clay was an outstanding woman, very bright, a caring lady who was a good teacher. But she probably only had the kids two of their eight years at that school. A lot of the teachers didn't seem like they were doing anything at all in the classroom. I mean, *they weren't doing a thing.*"

The other thing that still haunts MacDowell about Martin are the children who were taunted because their families were poor. "Some of the things, some of the derisive kind of names these kids had been called had stuck with them, and the labels had been given by the teachers," he said. "I remember one of the boys was called "Sherm the Worm," and that was a name that had been given by a teacher. The teachers would refer to the kids – he's just one of those Millers or one of those Adkinses. People would be looked down upon for those kind of reasons, because of their families."

MacDowell spent two years at Martin. At the end of his second year, the county sent teams around to conduct evaluations of the schools. MacDowell had started to keep extensive records about his students.

"Now it might be questioned as not a good kind of thing to do," he said. "But I kept observations about both their abilities in the classroom – this person can do fractions, this person doesn't know times tables, those kinds of things – but also kind of anecdotal things, questions like is there something happening in this child's home life or is this child being mistreated? Is that one of the reasons he's not performing well? Or, this child has a lot of leadership potential."

The team conducting the evaluation was made up of Lincoln County school personnel, and they were impressed with what MacDowell was doing. "Toward the middle of that last semester, I got asked if I would be interested in being a principal in the Lincoln County school system, and I thought that would be neat."

But at the same time MacDowell was being courted by administrators, he also was meeting with parents to discuss the needs of the school and moving in other directions that were not welcomed by his higher-ups.

"We had a meeting and the parents were real critical, especially of the politics in the system," he said. "They said, 'Well, we never get anything in Martin School because people are always stealing stuff and they're not going to listen to us. The Board of Education, nobody ever comes."

MacDowell knew a little of what parents were talking about when they complained about politics in the school system. He himself had been pressured to support certain politicians in elections, and he had witnessed other school employees being pressured as well.

"At Martin School, we had aides to help remediate. I can remember when elections came up, those folks were really getting political pressure more than I was. I mean, people were pressuring me a little, but it wasn't going to do a whole lot of good," he said. "But people would *really* pressure those people – 'if you want to keep your job, you need to make sure these people get elected because they'll make sure you keep your job,' that kind of thing because a lot of jobs were tied into structures where you could hire or fire fairly easily. Or at least people thought you could get fired fairly easily."

So MacDowell listened to the community's complaints and suggested that they invite members of the Board of Education to a meeting to answer questions and hear concerns.

"As soon as this kind of conversation started, all the talk about me being a principal stopped," he said. "And not only was I out of the principal thing, I wasn't even rehired at Martin School. I ended up leaving the county to teach in Putnam and then Jackson County. At that point, if you didn't have tenure, you couldn't be hired. I didn't have tenure. You went into a pool and maybe if there was a job when school started, you got in there. So I went from talk about being a principal into a pool of people who really didn't have a job. It was the pits."

Politics is the lifeblood of Lincoln County, a small, rural, sparsely-populated area of rugged farmland and high unemployment sandwiched between the industrialized Kanawha Valley to the north and the dying coalfields of Logan County to the south.

Today almost 60 percent of Lincoln County's children under age six live below the poverty level. The average per capita income is $9,800, placing the county 53rd out of West Virginia's 55 counties. Holding a diploma from a Lincoln County High School does not necessarily mean a student has learned to read and do basic math. Many have found themselves woefully unprepared for anything other than to join the long line of unemployed that snakes its way through the county.

The largest employer in the county was and is the Board of Education, and political control of the school system was so blatant by the time Janet Pauley filed her suit that one group of Democrats was known simply as "the School Board Faction."

The leader of the School Board Faction was Wylie Stowers, an oil and gas driller who came up through the ranks of a powerful political machine headed by former State Senate President "Big Lloyd" Jackson, father of today's State Senator Lloyd Jackson, known back home as "Little Lloyd."

The senior Jackson had enough savvy to make deals with politicians in other counties in his district, enabling him to do the seemingly impossible – develop a seat of power in a tiny county with no employment base. His strength was an iron-clad grip over hiring in the Department of Highways and Department of Welfare at a time when federal money was pouring into both agencies.

Stowers, who succeeded "Big Lloyd" Jackson as the premier political boss of Lincoln County, started to build his own organization after a fallout with Jackson. He shrewdly recognized that with most of the federal dollars coming into the county earmarked for education, the person who controlled those funds and the jobs they provided would have ultimate political control. So, using the county school system like Lloyd Jackson had used the state road system, Stowers controlled people through jobs.

It was this system – oppressive, arrogant and incompetent – that Linda Martin found in 1975 after she married high school science teacher Julian Martin and transferred her two older children from Kanawha County into Lincoln County schools.

"It blew my mind to see the difference between Kanawha County schools and the ones here," she said. "I couldn't believe the conditions: 47 kids in a classroom, ten-year-old textbooks, no written curricula, unqualified teachers, blatant discrimination against poor kids, better meals in town school. The county ranked 54th out of 55 in the state in basic skills test scores. My husband found that half his ninth graders couldn't read."

Conditions were much worse than those Mrs. Martin had experienced growing up in the 1950s in Logan County. "The School Board was putting all of its resources into buildings and administrators instead of putting most of them into the classroom," she said. "Parents were selling hot dogs to purchase desks, water fountains and playground equipment."

Mrs. Martin began to attend school board meetings and raise questions about budgeting and spending practices. "We always heard the same thing," she said, "They didn't have any money. Well, we knew there was natural wealth here because Columbia Gas and Pennzoil have big holdings, but we found out that Columbia was paying only 14 cents an acre in taxes. And yet no one in the school system was pushing for that to change."

Although there are few jobs in Lincoln County, some of the largest oil and gas reserves in the state lie within its borders. However, of 270,704 acres of mineral land in the county, 78 percent – or 218,794 acres – is owned by one corporation, Columbia Gas. In Lincoln County, as well as in many counties in West Virginia, land ownership patterns have changed little in the more than one hundred years since outside corporate interests gained control of the state's natural resources.

A handful of corporations control thousands of acres of coal, oil and natural gas as well as 50 percent of Lincoln County's surface land. And the companies that drill, dig and transport this mineral wealth out of Lincoln County have historically paid pennies in property taxes, leaving an economically crippled and underfunded school system challenged to provide even a rudimentary education for its children.

Mrs. Martin and her husband banded together with other concerned citizens to help forge what became a statewide tax reform movement. As a result, Columbia Gas's taxes were increased to 86 cents an acre. While still not fair and equitable taxation in the eyes of the reformers, the increase put an additional half million dollars into the Lincoln County Schools coffers.

"I was ecstatic," recalled Mrs. Martin. "We went back to the Board and suggested that these new funds be put into improving classroom instruction, but they just ignored us. I asked for a copy of the school budget and they refused to give it to me."

Linda Martin wasn't the only parent outraged by the state of the schools in Lincoln County. But she was the first to mount a public challenge to the way the system was run. "I was just an angry parent," she said, "and I did what I did because of that. I was surprised that other people were just waiting for someone to step forward."

The group that became known as Parents for Better Schools was a righteous army. Members learned to read school budgets and attended all board meetings, refusing to be shunted aside by Superintendent Charles McCann, who told one parent to go to hell when he was questioned closely about school business. Parents for Better Schools members constantly challenged board of education spending practices.

"We watched as school board members transferred hundreds of thousands of dollars from one line item to another in the school budget within seconds with no discussion," said Mrs. Martin. "Yet, they would spend twenty minutes discussing who would get a job as half time cook at one of the local schools."

The organization documented the use and misuse of federal dollars. They found that money sent into the county to feed school children was being used to pay truck drivers and school secretaries. They monitored a school building program and found the companies that received bids to do the work subcontracted the jobs to the man who headed the democratic political machine. They found that federal money intended to be used to hire vocational counselors was shifted into the school buildings account.

They uncovered misuse of funds in the Title I program, designed to help children who are behind grade level in reading and math. In all, Parents for Better Schools was responsible for four federal audits, one showing that Lincoln County had misspent $721,000 of the $800,000 received for one year's Title I program.

The group even launched an effort to impeach and remove the Board of Education, alleging that the body mismanaged a $7.1 million school building bond, improperly used school lunch proceeds and misused special education money. The action, although unsuccessful, sent shock waves through the political establishment.

As Parents for Better Schools learned more about the way the school system operated, they realized that the schools were the way they were because of politics and children in the remote rural schools like Martin and McCorkle were particular victims.

"Rural schools were treated like poor country cousins," said Mrs. Martin. "For the most part, they were under-financed dumping grounds for political hacks and their friends, operated with the idea that the least of everything is good enough for 'holler' kids.

"What many people didn't realize was that the economic system here made control

"If you work for a chemical company or an automobile manufacturer and you don't do your job, you're removed.

photo: Beth Spence

of the school system really important for the politicians," Mrs. Martin said. "Forty-one percent of the people were living on some form of government assistance. There simply weren't and aren't any jobs in Lincoln County.

"If you work for a chemical company or an automobile manufacturer and you don't do your job, you're removed. That doesn't happen in the school system because school board employees – especially bus drivers, cooks, janitors and other auxiliary personnel – are the folks who work the precincts for the political powers on election day. The more incompetent the employee, the greater the pressure politicians can place on them to do what they want them to do on election day."

The stakes were high for both sides as the battle raged on for the better part of a decade, sometimes deteriorating into threats of violence. Mrs. Martin recalls telephone calls in the middle of the night, hate-filled voices promising that she and her family would pay for their actions. She and her husband were followed as they drove into remote areas of the county and harassed in broad daylight in county businesses.

The anger came to a head after one particularly heated board meeting in 1980 when Julian Martin was slugged from the blind side by the superintendent's brother-in-law, who also was the county transportation director. It took six stitches to close the cuts on Martin's bloody face. The image was captured by a photographer for the local *Lincoln Journal* and ran on the paper's front page that week.

"It was painful for our children to go through that," said Mrs. Martin. "And it was a frightening time for the whole family."

The Martins did not give up their struggle to reform the education system, but the price was high. At various times, the couple felt it necessary to farm their children out to relatives to ensure their safety. Eventually Julian and Linda Martin's marriage was a casualty of the long hard fight.

The transportation director was, of course, found innocent in the assault of Julian Martin. He admitted that he hit Martin, but he justified his action by saying he did it "for the honor of Lincoln County."

"Imagine that," said Mrs. Martin. "This was a place where there was honor in trying to silence reform."

Between the time Janet Pauley went to her first PTA meeting at McCorkle Elementary School and Justice Harshbarger wrote his opinion on what was then commonly referred to as "the school case," Lincoln County had become a hotbed of activity around public schools.

The Board of Education and the local political bosses were already reeling from the punches landed by Parents for Better Schools when the board approved a recommendation by Superintendent McCann to remove Betty Jones from her position as principal of Hamlin Elementary School.

The then 39-year-old Mrs. Jones, considered by many to be an educator of remarkable ability, intelligence and sensitivity, stood charged with a variety of offenses. The most serious were that she had not implemented a county-approved reading program, that she had misspent school funds and that Hamlin

Elementary School had a higher than normal teacher turnover rate. But also included in the list of charges was an allegation that the educator used supplemental reading materials to help children learn to read.

Other issues bubbled beneath the surface. Mrs. Jones knew she had offended the county power structure by openly opposing strip mining and by attending meetings organized by people the Lincoln County establishment viewed as "hippie outsiders." She also had joined with a group of reformers that outhustled the old-time pols and packed a county democratic convention called to nominate a new United States representative when Rep. John Slack died in the middle of his term. The democratic power establishment was outnumbered by the reformers, who nominated crusading State Sen. Si Galperin.

photo: Charle [illegible]

Julian Martin

"I can remember that day so well," said Linda Martin, who also attended the convention. "Wylie Stowers was just fuming, and people were taking notes about who was there and who was doing what."

So, with a firm belief that the issues involving her job were political rather than educational, Betty Jones took the unprecedented step of insisting that her hearing be held in public.

"I knew they were going to say a lot of things about me," Mrs. Jones said later. "But I felt like they should have to say them out in the open. If I went behind closed doors with them, they could say whatever they wanted to, and it would be their word against mine as to what I had said and what they had said. This way, everyone could hear it and judge for themselves."

The hearing, begun on a chilly Saturday morning in February 1981 and stretching over three days, was less about Betty Jones than it was about the Lincoln County School system. What had been done to Mrs. Jones in the months leading up to the hearing was described by teachers as "a witch hunt" and by non-involved observers as "a case of political overkill." Every trivial grievance that anyone had ever held against Betty Jones was brought out, put under the microscope and received with utmost seriousness by members of the Board of Education.

When the dust had settled, no one had offered evidence that the reading program had not been implemented; an audit revealed that only $29.97 could not be accounted for out of a $13,000 school budget; and Hamlin's teacher turnover rate was found to be about average for the county, according to state statistics. Nonetheless, the Board of Education made the decision to remove Mrs. Jones as principal of Hamlin Elementary without further discussion of the charges.

Most unbiased observers felt the principal was fired because she was an outsider and because she wouldn't play ball with the political establishment.

Betty Jones had been named principal of Hamlin Elementary twelve years earlier precisely because she was an outsider. A native of North Carolina, she had come to Lincoln County through the National Teacher Corps, a program modeled after the Peace Corps. Young teachers were able to obtain their masters' degrees in exchange for teaching in some of the poorest schools in the nation.

At the time Lincoln County's schools were filled with the "permit teachers" described by Dan Hedges – people who had not completed the education required by the state, but who were "permitted" in classrooms because of a severe shortage of teachers. The Teacher Corps members who attended Marshall University in Huntington were placed in a number of rural counties. Mrs. Jones was assigned to Lincoln County.

"It was painful for our children to go through that," said Mrs. Martin. "And it was a frightening time for the whole family."

Betty Jones was no stranger to poverty. She spent her childhood picking cotton and digging peanuts in one of North Carolina's poorest counties. But it was a different kind of poverty than that which she saw etched into the faces of the children from the hollows and ridgetops of southern West Virginia. She saw in them a poverty of the spirit, a deeply ingrained sense of worthlessness. Worse, that feeling of limited self-worth was accepted and intensified by the one institution that might have been the children's redemption – the school system.

"We were poor, but so was everyone else," Mrs. Jones said of her own early years. "But we grew up with hope and expectations. My daddy always told me to get an education so I wouldn't have to work hard like he did. And in school all of us were made to believe that we could be whatever we wanted to be if we worked hard enough. We weren't given the impression that we didn't matter."

photo: Jim Balow

Betty Jones

She still gets a catch in her voice when she describes her first day of school in Lincoln County. "It was a first grade classroom, and there were more than 40 children crammed into it. I was helping this older teacher, and she started to tell me about some of the students.

"She said, 'See that little boy back there?' and she pointed to a child in the back of the room and told him to stand up. He was just a little boy, and he was obviously very poor. His clothes were ragged. He looked like he was scared to death and he'd been crying.

"And this teacher said, 'Look at him. Now he won't have a pencil or paper all year. He won't have any books, and it's all because his daddy drinks up the welfare check.' That child just stood there with tears running down his face."

"And this teacher said, 'Look at him. Now he won't have a pencil or paper all year. He won't have any books, and it's all because his daddy drinks up the welfare check.' That child just stood there with tears running down his face."

Mrs. Jones was haunted by the face of that young boy. "For years I wondered what happened to him, and I believe I decided at that moment that I was going to stay in Lincoln County and try to make a difference."

When she was asked to take over as principal of Hamlin Elementary in 1970, Betty Jones saw an opportunity to make changes in at least one school. But as she tried to make Hamlin Elementary a better place, especially for the children of the poor and uneducated, she received an education in politics.

"I found that the schools in Lincoln County were the way they were in large part because of politics," she said. "Teachers were hired not for their ability or commitment, but because of family connections. Students were rewarded not for effort or achievement, but because of who their parents were."

Hamlin Elementary was the jewel of the county's school system. Members of Lincoln County's most influential families made up the faculty and staff. Parents in other parts of the county complained that the school got an overabundance of resources at the expense of other neighborhood schools.

Betty Jones found that even with the extra resources, not much was going on in the way of education. Children were going to junior high school without knowing how to read,

In the long run, the real losers in the Betty Jones case were the Lincoln County politicians.

especially the poor children. "Some of the teachers stood around the halls and drank coffee and planned bridge games," she said of her initial days at Hamlin. "They'd leave the school to go shopping or get their hair done. They would get together in groups to decide what grades children should receive."

She appealed to the superintendent of schools to transfer some of those teachers, but he said he couldn't even though he wanted to see the school straightened up. "They've got more political clout than I do," he told her.

There wasn't much Mrs. Jones could do to change those teachers. But she put an end to the loafing in the hallways and trips to the hairdresser. Because so many children could not read, she called in specialists from the education department of Marshall University to help develop a plan for children to catch up in reading and basic skills. Slowly, she built a supportive, enthusiastic staff of young teachers as the older teachers retired or asked to be transferred.

"Betty Jones was an outstanding administrator," said one of those teachers, now a twenty-year veteran of the system. "I told her once she's my mentor and that I am the teacher I am today because of her. She didn't just teach me how to be a teacher, but how to stand up against injustice, to know what's right and what's wrong and speak up, regardless of the consequences.

"At Betty Jones' school, all children were equal," the teacher said. "(Her credo was) all children can learn, all children will learn, you will teach all children equally and you will treat them equally. (The political powers) couldn't have that because sometimes the poor kids were the achievers."

No longer were spelling bees and math competitions automatically won by an elite group of students. Children who lived outside the county seat began to win awards at Hamlin Elementary School, and their parents were made to feel welcome when they visited the school.

But while the parents from the outlying areas learned to appreciate the changes that made it more comfortable for them to visit the school and more possible for their children to get an equal education, a seething resentment grew among a small but influential group of parents related by blood and marriage to those who controlled the county's political system. Several times, each coinciding with an election, they tried to have Mrs. Jones ousted from Hamlin Elementary. But they were unsuccessful until 1981.

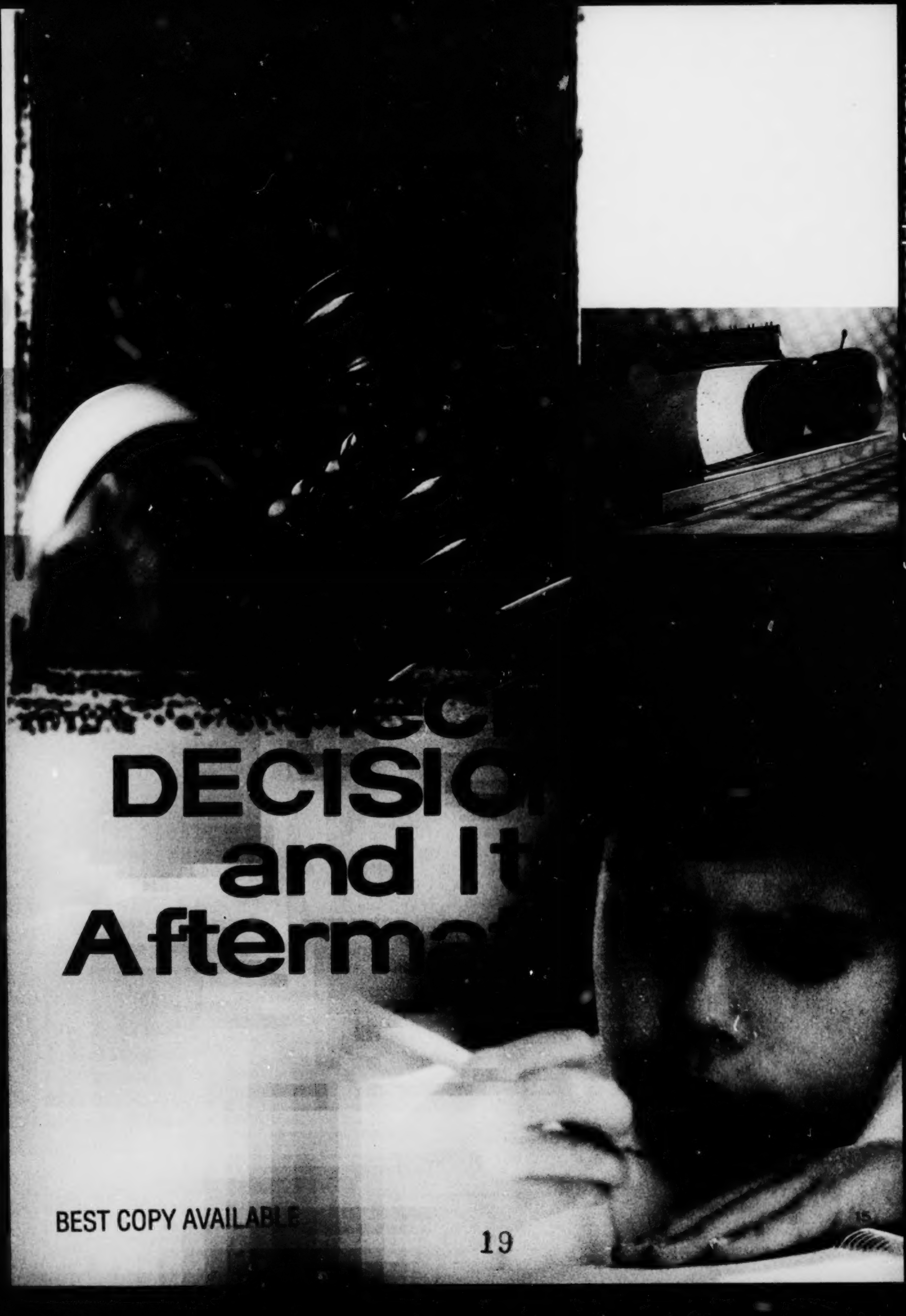
The board's action that year to remove her came as no surprise to the educator. "There were fourteen parents who were opposed to me, compared with 350 who signed petitions supporting me. They were a small group of parents who were upset because their children weren't winning every spelling bee or social studies fair. I could have let them run the school and that would have solved the problem for me. But it would have been devastating for the children I was trying to help," she said.

When Betty Jones lost her job at Hamlin Elementary School, she was given an assignment viewed by many as the worst the county had to offer. She would teach a combined first and second grade class at McCorkle Elementary, the school that had given birth to Janet Pauley's lawsuit. The first year she was there, only one second grader in her class was able to read. The class had had three teachers the year before, and parents, though upset about the situation, were less than pleased to have someone Hamlin had discarded.

Mrs. Jones dug in her heels and won over the community as she taught the children at McCorkle. The next time the county tested children, McCorkle's third graders scored highest in the county in reading. Betty Jones remained in the first and second grade classroom until the school was closed. She also brought a lawsuit in federal court against the Lincoln County Board of Education, a suit which alleged that she had been fired for political reasons. The board settled the suit before it came to trial.

In the long run, the real losers in the Betty Jones case were the Lincoln County politicians. Across the state, the school system was branded as a political entity rather than an education system, and it was against this backdrop that the *Pauley versus Bailey* suit played out.

Whatever Happened to Pauley vs. Bailey?



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It was a Friday in 1981, divorce day in the first Judicial Circuit. Circuit Judge Arthur Recht, who only recently had been appointed to fill an unexpired term on the bench, had spent that day in Hancock County hearing the tragic stories of men and women whose marriages were damaged beyond repair. Divorce day was never easy for the judge. This one had been particularly long and hard, and he was getting ready to go home when the phone rang. Recht picked it up, thinking his wife would be on the line.

Instead, it was Justice Harshbarger. "He basically wanted to know how filled my case docket was," Recht recalled. "Well, it really wasn't. The person that I had replaced didn't have many cases assigned to him because he knew he was going to retire. I just didn't have a lot of cases. I told him that."

"Good," Harshbarger told Recht. "You've got the school case." Recht said he had absolutely no idea what he was he was getting into. Yet he must have had some sense of what was to come because when he went home he told his wife, Karen, "What we're going to do here is going to change life as we know it in West Virginia."

"I could see the shape that the case was going to take. It was going to affect, or could affect, much of the future of West Virginia," he said later.

At the time the *Pauley* case was filed, education cases were extremely rare, Recht said, and there was not a great deal of precedent to follow in terms of the constitutional provisions which apply to the delivery of an education system. All that really existed was the phrase Hedges had found calling for a "thorough and efficient" system of education.

After being named a special judge of the Circuit Court of Kanawha County, Recht brought together the attorneys for both sides, saying they needed to have some structure in the case. He

photo: Jim Balow

Recht was furious. "I just said, 'No, no, you're making a mockery of this case. This case is not an orphan. It's going to be tried. I want a courtroom.'

told Hedges to put on the evidence as to the elements of a thorough and efficient system of education and then to demonstrate the elements that existed in West Virginia.

Initially, few people were aware that the case was going on. In the first place, because Recht was from another jurisdiction, he didn't even have a courtroom. The only courtrooms at the time were in the old county courthouse, and that's where the case began.

"We started the case the first two weeks in the courtroom," Recht recalled. "And then, without any announcement, we came back the beginning of week three and there was a sign on the door that the *Pauley versus Bailey* case would be heard in the City Council chambers of St. Albans."

Recht was furious. "I just said, 'No, no, you're making a mockery of this case. This case is not an orphan. It's going to be tried. I want a courtroom.' Well, they couldn't find a courtroom so we ended up trying it in the federal court building."

For the next six weeks and with little fanfare, Hedges presented his case. Only one reporter, from *The Charleston Gazette*, attended court sessions with any regularity. Nevertheless, the pressure was on the young lawyer. Although he worked with attorneys from the Lawyers Committee for Civil Rights, Hedges was the individual whose name and reputation were most closely connected with the case. "It was pretty hard when we were putting out 980 exhibits in the courtroom. We were working an awful lot of long hours to try to get the evidence together," Hedges said.

Following the process laid out by Recht, the lawyers brought in outside experts from across the country to paint a picture of what the best system would look like. They also presented evidence as to the systems that existed in Lincoln, Mingo, Clay, Tucker, Pleasants, Marshall and Ohio counties at that time. The experts offered their opinions on the factors that control educational outcomes and the best the state of education expertise allows. The court heard testimony about materials and equipment, class size and student-teacher ratio, as well as facilities.

photo: Charleston Gazette

Arthur Recht

"You take all those elements and it's not hard to define what goes into the delivery of the best the state of education expertise allows," Recht said. "It wasn't difficult to define what we *had*. And what we had was not the best.

"You know, it wasn't very difficult to know that there shouldn't be raw sewage going through the playground in one of the schools in Lincoln County," he said. "I mean, it didn't take a genius to figure that one out. So it wasn't difficult. Where the difficulty was is *why not*. Why don't we have the best the state of education expertise allows?"

One obvious answer was financing. So the second phase of the court case examined property taxes.

"What we had to do was take testimony as to whether or not all species of real and personal property were being assessed at their true and actual value," the judge said. "By that, I mean all species – standing timber, coal, active coal, coal reserves, livestock – not just residential property. I mean, there are so many other kinds of property that were not being taxed at all. Or, if they were being taxed, they certainly weren't being taxed at their true and actual value, and real estate – people's homes – were carrying the brunt of it."

Evidence demonstrated that there were inequities within inequities in the state's tax system. "You had people in Lincoln County, for example, that had their property appraised in 1980 and were paying increased amounts of taxes based upon current appraisals, and you had people in Marshall County or Ohio County, where there hadn't been a reappraisal since 1960," Recht said.

“. . . must completely reconstruct the entire system of education in West Virginia.”

photo: Beth Spence

After a relatively quiet six weeks of trial, the Recht Decision hit West Virginia like a bombshell when details were made public on May 11, 1982.

In the sweeping 244-page opinion, Recht ruled that the Legislature "must completely reconstruct the entire system of education in West Virginia." The judge found the state's schools "woefully inadequate" when compared against high quality educational standards.

But Recht didn't stop there. He said vast differences existed in educational opportunities within the state. Lincoln County schools were found to be inadequate in all areas. "The state has a duty to eliminate the effects of unequal costs among counties of providing educational services due to factors such as county isolation, sparsity, terrain and road conditions," he wrote.

In his opinion, Recht made vast comparisons between the curriculum and services offered in schools in Lincoln County and those offered in more well-to-do counties. For instance, in language arts he found that Lincoln County lacked supplementary reading materials as well as special materials for students reading above or below grade level. Lincoln County had no media centers (or libraries) in elementary schools. In Lincoln County high schools, students didn't receive individual texts, relying on one set of texts for a classroom. No advanced literature or writing courses were offered, and only one high school had a speech or communications course. The only remedial reading courses were provided to grades one through three through the federally-funded Title 1 program.

By contrast, Ohio County made available remedial help to all students, and a tutoring program provided one-to-one assistance for those students who needed it. All elementary schools had well-equipped media centers. Wheeling Park High School had 20 language arts teachers on staff, including specialists in speech and drama, journalism and remedial reading.

"I found there definitely *is* a correlation between funding (and the quality of the educational system)," said Recht, who still seemed a little defensive more than a dozen years later. "That's what I found based on the evidence, not pulled out of the air."

The findings seem obvious. Recht found that standards for education are necessary even though West Virginia had none. Those standards, he said, must address four areas – curriculum, personnel, facilities, and materials and equipment – and "the resources necessary to implement the standards must be provided."

The judge also ruled that counties must have the ability to attract, employ and retain a high quality staff of sufficient size; provide high-quality, well-maintained facilities; and provide textbooks, supplies and equipment for students in each subject area.

The decision listed "elements for the development in every child to his or her capacity," including literacy; ability to add, subtract, multiply and divide numbers; knowledge of government so the child will be equipped to make informed choices; self-knowledge and knowledge of his or her total environment so the child can intelligently choose life work; work-training and advanced academic training; recreational pursuits; interests in all creative arts, such as music, theater, literature and individual arts; social ethics, both behavioral and abstract, to facilitate compatibility with others in this society.

Recht said programs must be offered to children of all abilities, and counties must be able to provide support services, such as guidance, health, food and transportation. He said class sizes should not exceed 20 in grades kindergarten through second and 25 in grades three through twelve.

Recht said teachers should have a daily planning period. He ordered counties to offer continuing education programs that went far beyond the in-service trainings that were standard at the time. He said counties must have curriculum supervisors and principals should spend at least 50 percent of their time on curriculum development and oversight.

The decision detailed facilities, saying they should include 100 to 120 square feet per pupil for elementary schools and 130 to 160 square feet per pupil for secondary schools. All should be safe, contain fire safety measures, have safe water and sewage disposal and adequate storage. They should maintain comfortable room temperatures, be in good repair and attractively painted. Recognizing that the state did not provide funding for such facilities, Recht ordered a state supported program for the construction of facilities.

The Recht DECISION

Recht even detailed requirements within specific subject areas that would provide for a thorough and efficient education. For example:

- *every elementary student should receive 100 minutes each of art and music instruction per week from certified teachers.*
- *the maximum ratio of 20 children to one teacher for early childhood education should be lower when children come from isolated areas and have had few life experiences.*
- *all students should have access to foreign language instruction, beginning in third grade. Junior high and high school students should have access to at least two languages.*
- *the language arts program must go beyond teaching skills tested on standardized tests. It must offer students an opportunity to develop the entire range of communication skills, including the ability to read, write, speak, hear and observe.*
- *a minimum annual allotment of not less than $8 per student in 1981 dollars must be provided for maintenance of the collection of books, periodicals, audio-visual equipment, supplies and library and learning resources.*
- *high schools must offer at least four units of general math and five units of academic math (such as algebra, geometry, trigonometry, statistics and computer science).*
- *physical education must be taught by certified physical education teachers in grades K-12.*
- *sufficient laboratories must be provided for science instruction in junior high and high schools.*
- *no segregated "out-buildings" are to be used for special education students.*

His ruling did not stop with the education system. Recht found that disparities and inadequacies in West Virginia schools were the result of the school financing system, and he found property appraisals "at a fraction of actual market value throughout the state." Because the school aid formula at that time provided no funds for facilities or materials and equipment, counties were forced to finance them through excess levies and bond issues. A county's capacity to raise money for education was directly related to its property value, leaving counties with little property wealth at a severe disadvantage. Recht found that the state school aid formula did nothing to equalize the disparities among counties.

photo: Beth Spence

Recht said the State Tax Commissioner had failed to effectively discharge his duties because he had not adequately administered the work of county tax assessors and he had not instituted a procedure for updating tax appraisals. He ordered the Tax Commissioner to guarantee uniform and updated property taxation throughout the state.

Politicians howled that the decision would cost West Virginians billions and there would be no way to finance the reforms ordered by the court. They vilified Recht and Hedges, and vowed that the Legislature would never implement the decision. Senate Education Committee chairman Ralph Williams called the Recht decision "a crock" that would never be implemented.

Major industries in the state lined up against the decision. The president of the West Virginia Coal Association said the decision would be a death knell for business in the state. And the conservative *Charleston Daily Mail* called the decision "loony" and declared that the state was too poor to implement it.

For all the outcries, however, the Recht Decision stood, based on the "thorough and efficient" standard which had been part of West Virginia's constitution since 1872.

But the story of education reform didn't end with the Recht Decision. In many ways, it was just beginning on May 11, 1982. Both Hedges and Recht have commented on the pressures of a case that was breaking new legal ground, a case in which there were precious few precedents. Undoubtedly both men were exhausted after the trial. Besieged by the media and by powerful interests as well, perhaps both let down their guard a little too soon. History will show that the decisions they made about the implementation of the Recht Decision would invariably undo much of what had been accomplished by the years of effort.

The most difficult part of the opinion, Recht said later, was what to do with it. "How do you really put something down that can be implemented?" he asked. "That was a very, very tough thing, and this is what (Justice Richard) Neely said in his dissenting opinion in *Pauley versus Bailey* – that it doesn't belong in the courts because the courts can't enforce it. Courts do not have the power of the purse, nor do they have power of the sword. They don't have anything. All you have is the power of the word."

So Recht conceived the idea of appointing a special master who would take the opinion and construct a blueprint for public education which could be handed to the Legislature.

"When the opinion was published, an absolute fire storm hit with most of the people in the Legislature – the leadership in the Legislature – just being highly critical," the judge said. "The

"I couldn't believe he had turned this case over to the very people who had allowed the schooling of West Virginia's children to be in the mess it was in.

attorney general, who at that time was Chauncey Browning, came down here (to the Supreme Court) *to require the court to prohibit me from* appointing what he called an education czar, and he accused me that I'd gone power hungry."

Undeterred, Recht went on with his plan to name a special master. One Friday, when he was back in New Cumberland, the county seat of Hancock County, presiding over a trial, he received an urgent phone call from State Schools Superintendent Roy Truby. "All he (Truby) said was, 'We're having a meeting here right now. We have decided not to appeal your decision, and would you be willing to appoint the State Department of Education as the special master,'" Recht recalled.

Recht was concerned about the propriety of talking with one side in a case, so he would only say that he would meet with all the attorneys the following Monday. As he recalls that meeting, a representative of the State Department of Education was present, as were Hedges and members of a Washington, D.C., law firm that had assisted in the Pauley case, representatives of the State Tax Commissioner's Office and the Attorney General's office.

Recht repeated the conversation of the past Friday and asked if anyone present had any objection to the State Department of Education being the special master for the court suit. Even Hedges voiced no objection. The group asked Recht if he would be willing to go to then Gov. Jay Rockefeller and tell him what they were doing.

The meeting with the governor is one the judge came to regret. "I did go down and meet with the governor. It was a nice meeting. He was very pleasant," Recht said. "But it just was not the right thing for the judicial branch of government to do. I shouldn't have gone into the executive branch. If it was done, it should have been done in the open. It just was not right, and I've regretted that. And it was my – totally – my decision, and my error. Nothing was improper. It was just the perception of something improper."

A second wave of criticism accompanied the decision to hand the case over to the State Department of Education. This time it came from many people who had supported the Recht Decision. Linda Martin was one of them. Her heart sank when she learned that the defendant in the suit had been put in charge of implementation, the very part of the decision Recht had said would be the most tricky.

"I had been so excited about the Recht decision," Mrs. Martin said. "It set high standards for the state's schools, and I thought its potential for genuine reform of the public education system seemed almost limitless. At the very least, I thought it would mean parents, teachers and service personnel would at last have some say in how standards would be set.

"I couldn't believe he had turned this case over to the very people who had allowed the schooling of West Virginia's children to be in the mess it was in. At that point I knew those of us who sought real educational reform were in serious trouble. The fox was once again in charge of the hen house."

One of the first things the State Department of Education did was name a Committee of 95 to come up with a Master Plan through which the Recht decision would be implemented. To her surprise, Linda Martin was asked to serve on the committee. She was one of only 20 ordinary citizens on a committee that was heavily-weighted with county school superintendents and State Department of Education officials.

She will never forget the first meeting. "It was the most organized, tightly controlled committee I had ever seen or hope to see. The day's activities consisted of a pep talk and a distribution of organizational charts, time guidelines and committee assignments. It was clear from the beginning that there was a prepackaged plan, and we were to be its rubber stamp so the State Department of Education could put out its press calling us people who were working in this democratic process."

Mrs. Martin was placed on the community relations subcommittee. Although a majority of those on the subcommittee were employees of either the State Board of Education or local boards of education, the group plowed ahead with its assignment – to develop a grievance procedure for citizens and to design a vehicle to improve the relationship between school and community.

"I was very impressed with the shared understanding the members had of how difficult it is for people to involve themselves in their communities' schools," Mrs. Martin said. "Everybody agreed on the seriousness of the problem and the need to deal with it creatively if Judge Recht's decision was to be effectively implemented."

The subcommittee came up with two proposals. One was a grievance procedure citizens could use when they disagreed with actions of a local school board or school system. The other was a recommendation to set up local School Improvement Councils to be made up of principals, teachers, students, parents and service personnel. Every school in the state would have a council. The council would determine if the school met state standards, and if not, would devise a plan to bring the school up to par.

After completing their work, the group came together to put the finishing touches on their recommendations. The easy camaraderie of past sessions was shattered by the arrival of a county superintendent who was a committee member but had not attended any previous meeting.

"He said he had not appeared earlier because he had not considered the committee to be of any consequence," Mrs. Martin recalled. "But after receiving drafts of our recommendations, he felt it necessary to attend that day. He said he represented all the superintendents in the state and that they would not have our recommendation.

"He reminded us all in a poorly veiled threat that our vote was a matter of public record," she said. "Remember, most of the committee members were employees of either the state board or local boards of education. The vote was then taken on the document. People who had worked hard on this document, who had discussed and written and hammered out differences and rewritten, now voted 19 to 2 against their own proposals."

Linda Martin was one of the two who stood with the recommendations. But she was disheartened by the experience, seeing the grievance procedure totally scrapped and the proposal for community involvement turned into what she later referred to as "public relations gimmickry."

At this point she came to believe that real change would occur outside the Committee of 95 and that her role would be to try to make sense of what was going on and share that information with parents across the state. Parents for Better Schools evolved into the statewide West Virginia Education Project.

In the meantime, while the committee meetings were continuing, Mrs. Martin began to suspect that there must be at least one committee which would have oversight responsibility for the Master Plan. She located it in the eight-member Committee of Standards, which would have access to all the documents produced by the various committees.

"An old college friend of mine was the parent representative, but she told me she really didn't have time to serve on that committee. I explained why it was important to me. She resigned in a public session, and I immediately offered to take her place," Mrs. Martin said.

When Linda Martin read over the documents produced by the committees, she was horrified

"What was scary about the state plan was that it centralized state control in ways that would make it even more difficult for parents to have a say in their children's education,"

— Linda Martin

photo: Jim Baldw

by the direction the recommendations took. "What was scary about the state plan was that it centralized state control in ways that would make it even more difficult for parents to have a say in their children's education," she said.

On the surface, the Master Plan appeared to set a timetable for the reforms ordered in Recht's opinion. The first phase set learning outcomes, revised the state aid formula to correct inequities, provided instructional materials, equipment and supplies, upgraded school facilities, increased staff at the state level, implemented a statewide management information system and proposed a statewide excess levy.

The second phase called for implementation of a statewide testing program, a staff evaluation procedure, amending the school aid formula to provide equity among counties, improving and expanding facilities, and equalizing program offerings and services.

It was when she looked at the third and fourth phases that Mrs. Martin saw a clearly defined plan for the massive consolidation of West Virginia's public schools. Those phases called for expanded curricular areas and services, together with facilities that would meet approved "thorough and efficient" standards.

"It wasn't just that they said certain classes had to be offered to every student," she said. "The facilities portion actually talked about the design of buildings, what size they had to be, what had to be included in them. They had taken what Judge Recht said about the building size per student and turned it into a plan that required large, consolidated schools."

On December 14, 1982, the Master Plan was presented to Judge Recht. Recht went through the document line by line to make sure it reflected what had been said in the court opinion.

"The one thing as I recall that was different was the time period," he said. "In the Master Plan, there was a 17-year implementation schedule. That was in 1983, so it would be at the new millennium."

The judge was afraid with such a long implementation period, nothing would get done until the beginning of the sixteenth year.

"I didn't know what to do," he said. "The difficulty in this, and I'm not crying on anybody's shoulder, (the difficulty) is that you really didn't have anybody to talk to. You didn't have anybody to share it with. You just had to sit there and try to get it almost through divine guidance as to what to do."

He considered using the phrase "with all deliberate speed," but recalled the years of delay that occurred following the ruling in the *Brown versus Board of Education* decision which ordered desegregation of public schools. "So I used the term, 'It shall be done as soon as is practicable,' which (says), 'Ok, it has to be done and it has to be done within the ability of resources.'"

Linda Martin and the West Virginia Education Project tried to block implementation by becoming a party to *Pauley v. Bailey*. In an appearance before the State Supreme Court of Appeals, Mrs. Martin warned that with the State Department of Education in control of the court decision, the very children the Pauley case was meant to help – the poorest children from the most remote areas – would lose their community schools and would be bused to large, impersonal schools miles from their homes where they would be ridiculed for their speech, dress or family background. The group was unsuccessful. "Judge Recht and the Supreme Court said we were too late, that we should have tried to become a party before the Master Plan was completed," Mrs. Martin said. "The Master Plan would stand."

Later, Recht said he could understand why Mrs. Martin felt allowing the State Department to design and implement the Master Plan for education reform was like letting the fox guard the hen house. At the time, he said, he didn't fully grasp the political relationship between the state department and the local boards. But even if he had understood the political undercurrents, he maintains it would have been almost impossible for him to have done anything other than what he did without creating a constitutional crisis in the state.

"The reason I did it," he said, "was that the Constitution really vests in the State Department of Education the responsibility for doing it. So I really didn't think that (I) was deviating from something that should have been done anyhow. Had the State Department decided to appeal, I definitely would not have done it. But thinking back on it, that's probably why they decided not to appeal."

All things considered, the judge still believes the document ended up being a "relatively decent blueprint," which, if implemented, could achieve some good things. "That really," he said, "is what the goal was."

At the time the Master Plan went into effect, Mrs. Martin felt like Cassandra of Greek mythology who had the gift to foresee the future, but whose prophecies about a Trojan horse were ignored. Mrs. Martin could envision the future of education in West Virginia, but, like Cassandra, she realized she was absolutely helpless to change what was to come.

"It's a lot easier to build new buildings and close small schools than it is to get at the roots of inequality in our education system," Mrs. Martin said in 1985. "It seems like everybody has been trying to find shortcuts to educational excellence, but there aren't any shortcuts. Big schools are not necessarily quality schools. They're not even necessarily good schools."

Without doubt by the 1980s Lincoln County's schools were dramatically better than those in which Betty Jones began teaching in the late 1960s and Ric MacDowell entered in the early 1970s. Isolated one-room schools, multi-grade classes packed with more than forty students and permit teachers were relics of the past.

Well-educated teachers were certified in their fields almost without exception and rarely were there more than 30 students in a class. But classrooms still lacked supplies and equipment which were standard in other school systems.

An elementary teacher described her pre-Recht teaching experience. "When I started teaching, I taught in a condemned building, and I had nothing. I didn't have any supplies, not even art paper. Our sole source of money was $125 a year the PTA gave us," she said.

Another elementary teacher considered herself lucky compared to others in her building when she walked into her room for the first time in 1975 and found an overhead projector, a record player and some construction paper.

"That was considered a lot," she said. "Everyone else had nothing. I came in when the paper and pencil decision was made, so the children did get provided paper and pencil that year. They had nothing else. They had no workbooks, and in some classrooms, they didn't even have textbooks. I had outdated textbooks. I think the copyright on the health book was something like 1957."

In the first few years after the Recht Decision was implemented, Lincoln County educators saw an immediate change in the availability of supplies and equipment.

> **"It's a lot easier to build new buildings and close small schools than it is to get at the roots of inequality in our education system,"**

"Right after the Recht Decision, we got Step 7 money," a teacher said. "We got a lot of nice supplies. We also got $2.50 per

"Right after the Recht Decision, we got Step 7 money," a teacher said. "We got a lot of nice supplies.

student from the Board's office to order supplies – paint, paper, pencils, construction paper, that kind of thing. Last year I had 22 children so it adds up. In the past few years, we've gotten library money, which helps us buy a lot of books, and they're so horribly expensive. And then there's the faculty senate money. We get $200 a year to buy things for special art projects that are expensive."

Increased pay was the second major benefit Lincoln County educators received as a result of the Recht Decision. An official with the West Virginia Education Association said in the late 1980s and through the 1990s there has been a "fair amount of equalization in terms of equity for teachers' salaries and service personnel salaries."

"You see in the neighborhood of $45 million annually going into equalizing those salaries," he said. "Although they're not equal, they're a lot closer now than they were in the past."

More than one teacher cited the pay equalization as something positive that had resulted from the historic decision. Said one, "They equalized pay to some extent. I've never checked it, but they claim everyone's within 90 percent of the highest. Lincoln County's pay is not that much different from Kanawha County."

Aside from better pay and more equipment, however, educators haven't been able to find many benefits. In fact, some argue that the county is poorer in some ways than it was in 1982.

"Nothing positive that I can see ever came from anybody to improve Lincoln County," said a principal. "We don't have anything more now than when the Recht Decision was made. That's probably a little strong. I'm sure we have a little more funding, but, generally speaking, it was not the major wide-sweeping reform that it was intended to be. It was ignored. I think the State Department of Education is more interested in putting on a dog and pony show than they are really improving education."

Julian Martin says he can't see that any positive curriculum changes have come out of the Master Plan. "I'll tell you something, I'm in the dark about the Master Plan. The changes that have been made, I don't think they had anything to do with the Recht Decision. Seems to me like anything we've ever gotten for curriculum has been just a bunch of gobbledygook that gave jobs to the people who work for the State Department of Education. I mean, just something for them to write up."

"The Recht Decision came about, and everyone got excited," said an elementary teacher. "We thought, 'Oh, wow, they're going to clean it up, they're going to fix it at last, with the Master Plan. But the thing about the Recht Decision that really bothers me, (is that before) we had nothing as far as

photo: Beth Spence

materials and supplies and audio-visual equipment, we had very little to nothing, but we had physical education teachers, we had a planning period. I had a one-hour planning period five days a week. We had PE teachers, we had an art teacher in the school with a traveling music teacher. We had all these specialists."

The teacher now has maps and globes (which already are outdated), overhead projectors and computers, but the art and music and physical education specialists are gone. She no longer has a planning period. And she never had a voice in what was given and what was taken away.

Another indication that true equality was still a distant dream came in the summer of 1997 when student scores on standardized tests given during the 1996-97 school year were released. Lincoln County's children scored next to last among the state's 55 counties, the same position they were in when Linda Martin's Parents for Better Schools began their work.

"I think some people thought it would be an easy process to equalize," said an official with the West Virginia Education Association. "And it's not been at all. I think they look for instant solutions and those aren't there."

A former Lincoln County school official is extremely upset about what he has seen come out of the Recht Decision, and he points the finger of blame directly at the State Department of Education.

"I think the major result of the Recht Decision is that the State Department of Education has garnered more control over local boards, teachers and local schools. Education has become more systematic. There's been more standardization of teaching techniques and programs, standardization even of purchasing equipment."

The official shakes his head when he talks about school reform in West Virginia as opposed to neighboring Kentucky, where he believes positive change has actually taken place at the school level.

"Do you know the difference?" he asked. "The difference is that their legislature had the wisdom to know that they weren't all that smart and that they shouldn't try to run the system themselves or let a dictator in the state capital run it. That's where we spent the extra money. We spent the extra money on the bureaucracy, the overhead. The School Building Authority is a huge expenditure in this state."

In Kentucky, the official said, the Kentucky Education Reform Act (KERA) not only took control away from the State Department of Education, which became a policing body, it stripped power from the local school boards by creating a state curriculum with minimum and maximum standards for student achievement. Broad powers for implementation were given to local schools.

"As I understand it, a team was set up at each school to administer the programs at that school," he said. "The principal was the chairperson. There were a couple of service personnel, there were a couple of teachers and there were a couple of parents. Other than transportation to get the kids to school, that team ran the school. They hired, they fired. They had minimum results they had to accomplish. If they didn't meet the minimum standards, they all lost tenure. Every one of them, right down to the janitor, lost their jobs. The school board would come in and rebuild the school, and put a new team in place."

If the school reached the level of overall excellence, all employees received bonuses. "For a classroom teacher back in 1992, it was a $5,000 flat rate," he said. "If one teacher in that school got it, they all got it. It made them a team. You didn't have the bickering you have here, you didn't have the competition we have. They all worked together as a team to accomplish one thing – to get those kids educated, to get them to do as well as they could."

KERA also established a funding mechanism which operated through two tiers, according to reports in *The Charleston Gazette*. In Tier One, a base amount of money was appropriated per child, and counties were encouraged to raise their levy rates to 55 cents per $100 of assessed property value. This money was then matched by the state.

School districts were allowed to levy additional local taxes up to 30 percent more than Tier One, at which point the state stopped matching the dollars. The plan was paid for with a three percent levy on utility bills and a one-cent increase in the state sales tax.

The Kentucky court decision came in the summer of 1989, seven years after the Recht Decision, but the sweeping Kentucky Education Reform Act was developed by the state's legislative body in 1990 and implementation began at once. Observers believe the difference in carrying out the reform has a great deal to do with the initial reaction in each of the states.

When the court gave the Kentucky General Assembly 90 days to devise a plan to overturn the entire school system, most politicians, residents and even big business immediately got behind the court decision even though the reform measures would cost taxpayers an additional $1.2 billion.

Beth Spence

In West Virginia, Gov. Jay Rockefeller's first reaction was to point out potential problems in the Recht decision and warn state residents about enormous tax increases. Then, he called a special session of the Legislature to consider a "Tax Limitation Amendment," calling for a reappraisal of property which would require all property to be assessed at 60 percent of market value – rather than 100 percent as had been ordered in a court case coming out of Logan County. This case, which has sometimes been confused with the Recht decision, was not part of the school case.

In addition to lowering the assessment rate, the amendment included a clause that set a percentage limit on how much any company's or individual's property taxes could be increased in a year's time, thus insuring that the process would be very, very gradual. The Tax Limitation Amendment, supported by powerful coal and agricultural interests, was approved by voters in the fall and became part of the West Virginia constitution. The message to citizens was clear – low taxes were more important than education.

In contrast, Kentucky Gov. Wallace Wilkerson hailed the Kentucky Education Reform Act as a milestone in education.

While West Virginia-based coal companies railed about the price tag attached to the Recht Decision, Kentucky's Ashland Oil Chairman John R. Hall offered his company's support for the measure. "We're a strong believer that education and economic development are linked," he said.

Dan Hedges thinks the difference is that there was broad political support behind change in education in Kentucky. "I think it's remarkable that they brought about tremendous systemic change in three or four years. While I think the people believe in education here, I think a lot of the powers have been able to diffuse the need and keep people pecking at one another over the years to avoid that coming about here," he said.

Because the reaction from the West Virginia political and business establishment was so negative, attempts to fund the Recht decision were doomed. And without funding, counties like Lincoln were subject to state mandates without the finances to pay for them.

Standards were set, but State Department officials realized that enforcement was impossible without adequate financing. So they set up a system whereby school systems were graded not as to how well they were meeting

"We're a strong believer that education and economic development are linked," "We don't have enough money to build broad foundations with. And that's the problem."

standards set forth in the Recht decision, but how well they were meeting much lower standards state officials thought they should be able to meet given the money they had.

Explained one State Department official in 1985, "It would be too disheartening (for local officials to be graded on Recht's standards)," he said. "We have to set up standards based on what it is reasonable to expect them to do, not what the decision says they must."

That, said Linda Martin, was the problem in a nutshell. "The very fact that it was all right for a county's program to be dependent on available resources effectively destroyed any expectation of developing high quality standards."

At the same time, educators found themselves caught in the squeeze. An elementary teacher was blunt in her assessment. "I would say they have tried to improve education without funding it. I know what the Recht Decision wanted to do was to make all schools equal, make the funding equal so that all children could be exposed to the same educational opportunities. What they (the Legislature) did was, they said they were going to do something about this, but they didn't take care of the funding. What they ended up doing was taking these poor counties like Lincoln and just putting more and more pressure for them to have programs the richer counties like Kanawha had without providing the funds."

Today Linda Martin still believes that the twin legacies of the Recht Decision are consolidated schools and the consolidation of power by the state. Rather than enjoying the sweeping improvements ordered by the Recht Decision, poor counties find themselves squeezed by the state to cut more and more services and close more and more schools.

"Our tax base is very low," said one Lincoln County school official. "We just can't stretch that dollar as far as it needs to be stretched. We're just not able to provide for the kids what they need because we have to spend it in so many places."

"We've cut to the bone, and they tell us to cut more," another official said. **"We don't have enough money to build broad foundations with. And that's the problem."**

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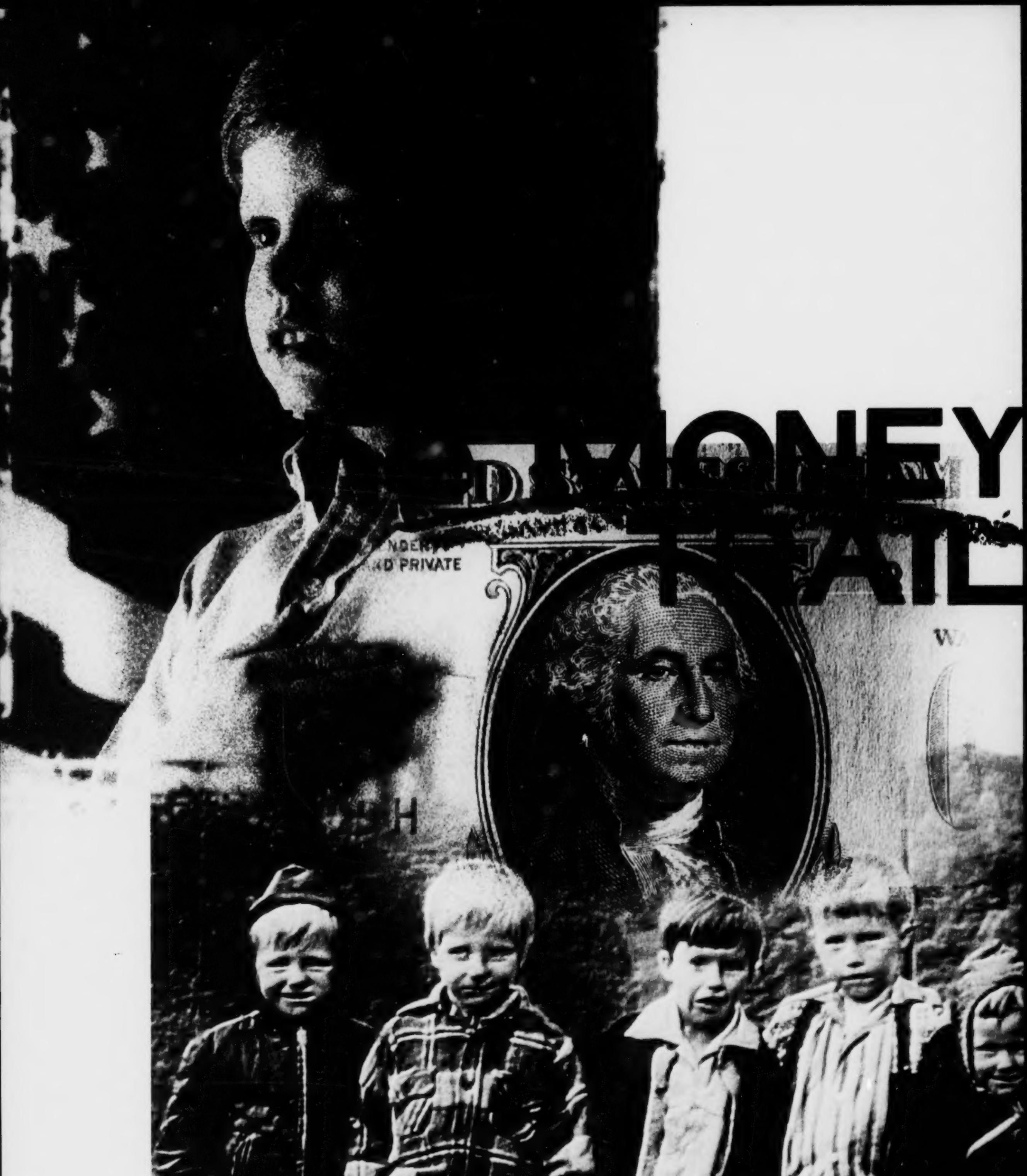
Whatever Happened to Pauley vs. Bailey?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. . .they have done so on the backs of our children."

Linda Martin believes school reform in West Virginia has been stymied by three things – the failure of the Legislature to reform the tax system, a school aid formula that discriminates against rural counties and the School Building Authority, an agency created to modernize facilities, but which she and others view as a vehicle used to force consolidation and school closings.

"The formula the state uses to fund county systems gives them only so many teachers and administrators and service persons per number of children," Mrs. Martin said. "It doesn't matter if those kids live close together or are spread out over miles and miles of mountain back roads. The formula squeezes school systems so that the only option they have is to consolidate schools and eliminate some teachers, principals and service people.

"Then, if that's not enough of an incentive to consolidate, the School Building Authority won't even consider proposals that would upgrade small rural schools," she said. "If you aren't willing to close schools, you won't get any of their money and most counties, especially small, rural counties, aren't able to finance the construction of schools without state help – especially since the property taxes go to the state and come back through the state aid formula."

But the biggest deterrent to school reform, the one that overshadows all others, according to Mrs. Martin, is the failure of government to address tax inequities.

"If we don't change the tax system so the corporations that own the minerals and profit from their extraction pay their fair share of taxes, then West Virginia children will never have the schools they deserve, and poor children from poor counties will continue to pay the highest price for this failure of leadership," she said. "The governors and the people who have controlled the Legislature have protected those corporations through the years and they have done so on the backs of our children."

Traditionally, schools in West Virginia have been funded in three ways, two of them based on the value of real estate within the county. The bulk of school financing comes from direct taxes on property. The tax funds go to the state and a percentage is funneled back into the county through the Public School Support Program, commonly known as the school aid formula.

photo: Tom Burger

Levies provide a secondary source of income. Levies are imposed through special elections and are based on a percentage of property value. Income gained from levies remains in the county and does not become part of the school aid formula.

The third source of income is derived from special bonds, which also must be approved by voters. Local or county bonds have been the traditional source of financing the construction of new schools. That changed in 1989 when the School Building Authority was created by the Legislature on the recommendation of Governor Gaston Caperton. The SBA was charged with selling bonds and distributing the money from those bond sales to county boards of education for school building and maintenance. Counties compete for the funds by developing comprehensive education facilities plans, and generally the state funds are piggy-backed with funds raised locally through bond elections.

What Arthur Recht explained in his decision was that poor counties are at a severe disadvantage when it comes to financing schools because property-poor counties such as Lincoln are not able to generate the income of heavily-industrialized counties like Kanawha or Ohio. That's why he ordered that taxes be equalized and recommended that statewide levies be imposed.

"The conclusion is inescapable that the absence of a thorough and efficient system of education in West Virginia is directly related to property wealth and the failure of the Legislature to provide a sufficient financial base," Recht wrote.

And that, according to Julian Martin, is the problem with enforcing the Recht decision, the reason the promise of reform remains unfulfilled – the tax system still does not provide the necessary financial base.

"A key point of the Recht Decision was that property taxes shouldn't be the basis of financing the school system," he said. "That hasn't changed. I think legislators and governors have all just ignored it. The Recht Decision wasn't enforced. We still have all these poor counties running operations off property taxes, and, in counties like Lincoln, there's not much income from property taxes."

Dan Hedges agrees. "I would say that resources are an element of inadequacy. They don't have facilities, they don't have other resources that they need," he said of Lincoln County. "In no place is funding all of the answer to the problems of education. On the other hand, you can guarantee an inadequate education if you don't provide the resources."

A West Virginia Education Association official who has represented teachers in grievances in Lincoln County explained the inadequacy in concrete terms. "They really don't have the money they need for the school system," she said. "If you look at Lincoln County versus Cabell County, kids don't have the same opportunity. Anything I deal with comes down to a money issue. It comes down to funding. They don't have the money to do things. They don't have money for supplies.

"Cabell County has resources. Of course, they've been cutting, but they have PE (physical education), music and art specialists in every elementary school. Kids in Lincoln County don't get that. They don't get to take bus trips that other kids get to take. I just don't see the same offerings. I'm not in the classrooms that much, but I just don't see it. I think it all comes down, even with politics, it all comes down to money."

Charles Damron, a former legislator who served as attorney for the Lincoln County Board of Education while covering education issues for *The Lincoln Journal*, agrees.

"Lincoln County has the poorest property values in West Virginia," he wrote. "This county brings in only about $360 per pupil from local property taxes while all other state counties bring in much more. Mason, for instance, the same size, brings in over $900 per pupil, three times as much. All other school monies come from the state and those funds, about $3,600 each, are equal for each county."

The WVEA's position is that, when implementing the Recht Decision, the state got the cart before the horse by putting state dollars into counties without first equalizing taxes and levies.

"I think if you looked at taking a three-step process, at least in terms of funding, it would have made a whole lot more sense," a WVEA official said. "In the first place we had enormous deviations in terms of assessment of property, and I think the first criteria that has to be met is that every piece of property in West Virginia needs to be appraised at market value and assessed at a uniform 60 percent.

"Then we need to establish a uniform levy rate for public education, and we don't have that. We have Lincoln County with a 100 percent levy rate, everybody in the south has a 100 percent levy rate. A number of counties – Nicholas, Braxton, Upshur and a number of others – don't have an excess levy for education," he said.

But even with a 100 percent levy rate – which means taxpayers are paying as much as they can be assessed for education – Lincoln County schools do not realize much benefit. The county's 100 percent excess levy produces approximately $1.5 million a year. By contrast, Kanawha County's levy, while only 93 percent, produces $36 million a year.

"Then the third step to that equalization process is to use state dollars to equalize the differences between property-rich and property-poor," the WVEA official said. "Lincoln County is a classic example – a 100 percent levy, but 100 percent of nothing is nothing. And Pleasants County has a roughly 90 percent levy, but it has these plants all along the river. So 90 percent of their values – a very small county, a very small school population – makes their per-pupil expenditures much higher (because of the levy funds, which they get to keep).

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"We ought to first equalize assessments and appraisals and market value, and then equalize tax burdens and *then* use tax dollars," he said. "We got the cart in front of the horse. We started putting all those state tax dollars in there and equalizing before we equalized the tax burden and that really has led to a situation where it's better to defeat county levies because the state for most purposes is going to come in and take over and shift the funding of education from local level to the state level."

The official noted that two attempts to equalize levy rates by instituting a statewide levy were rejected by voters, the first time in 1984 and again in 1988. "We need somehow to equalize that levy rate so that everybody's taxes are equalized," he said. "What kept you from getting the excess levy? Significant political opposition by people who are unwilling to fund public education, the Farm Bureau and people like that."

But, he said, while the strong anti-levy effort by powerful interests swayed many voters, other factors were involved as well, and the bottom line was that parents of school age children were among those who brought down the statewide levy. "It may be an unkind characterization, but some people have said they want their kids to be every bit as stupid as they are. I think that's unkind, but they don't value education. I don't think they understand the link between a high quality public education system and the future of this state."

Hedges firmly believes that the excess levy system as it currently exists is "a primary root of evil in the whole system."

"It wouldn't be if they (levies) could fund extras over and above a quality education, but essentials have to be funded out of excess levies. It's the root of the problem because most counties can't raise anything through an excess levy to meet needs, but they have to have one to exist," he said.

"That is taxpayer inequity," he said. "It's also student, kid, inequity. Of course, a child's education shouldn't have anything to do with property taxes at all. There should be two separate discussions, two separate whole things."

The issue of taxation has been debated in West Virginia almost from the time the state was created. State statutes call for fair and equitable taxes on all property, but through the years reformers have argued that it just isn't so and never has been. Back as far as 1884, The West Virginia Tax Commission stated in a report, "The question is whether the vast wealth shall belong to the persons who live here or whether it shall pass into the hands of the persons who do not live here and care nothing for our state except to pocket the treasures which lie buried in our hills."

In 1900, Gov. Albert White, a reform-minded Republican, established a commission to study property taxation. The commission submitted a report to the Legislature in 1902, but the issues raised weren't addressed until White called the Legislature

> **"I think the coal industry for decades or for generations systematically went about under-appraising coal for two reasons," he said. "One, they didn't want to pay property taxes. Two, they didn't want a well-educated work force. It was in their best interest not to have highly educated workers."**

into special session in 1904. In an historic 18-day session, legislation was enacted which created the office of state tax commissioner and gave it authority over county assessors who were required to appraise all real and personal property at true and actual market value.

White's tax reform movement was continued by his successor, William Dawson, who told the Legislature, "It is a burning disgrace that we enact laws which put on the tax books the full value of the property of widows and orphans and let go untaxed these resources which are the property of largely the rich."

As a result of the reforms of 1904 and 1905, the total assessed value of property statewide increased from $278 million to more than $1 billion during the next decade, according to Sutton attorney Michael C. Farber, a long-time tax reform advocate.

But the state's taxation system still was far from fair and equitable. A West Virginia Education Association official who is knowledgeable about tax matters describes a history of sinister efforts by industry, and particularly by coal companies, to not only avoid paying taxes, but also to make sure the state never had a decent education system.

"I think the coal industry for decades or for generations systematically went about under-appraising coal for two reasons," he said. "One, they didn't want to pay property taxes. Two, they didn't want a well-educated work force. It was in their best interest not to have highly educated workers."

In 1953, Democratic Governor William C. Marland proposed a severance tax on extractive industries in the state. His reasoning was that the tax was necessary in order for West Virginians to receive some permanent benefits from industry, such as an improved education system.

Marland came under vicious attack from the coal industry, which stood to be most affected by the legislation, and the state Chamber of Commerce, which lined up behind the industry. The governor's recommendation was rebuffed by the Legislature, and his political career was over. When he died in 1965, Marland was driving a cab in Chicago. He is best remembered in West Virginia not for his daring actions as a reforming tax crusader, but as a drunk – an image affixed to him by the business leaders he had so incensed.

The Appalachian Land Ownership Study, undertaken as a citizen research project and issued in 1981, documented that corporations owned 51 percent of the surface land of the state, 73 percent of the minerals and yet paid only 16 percent of the state's property taxes.

That study was used in the *Pauley* case to illustrate the tax inequities in the state and was a source used by Arthur Recht when he ordered the State Tax Commissioner to institute fair taxation practices. But the Tax Limitation Amendment, supported by Gov. Rockefeller and approved by voters after the Recht Decision was issued, did little to alter the existing inequities in the system. It, in fact, guaranteed that inequities would *not* be corrected when it placed a cap on the amount taxes could be increased in a given year on any corporation or landowner.

In the 1980s the state also adopted a tax credit program ostensibly as an economic development stimulant to encourage corporations to locate and provide jobs in the state. But a great deal of that money went to coal companies which already were in business in West Virginia and likely to stay in the state where the natural resources were.

"Socialism is an awful word, but what we did was in a sense have corporate socialism," said the West Virginia Education Association official who has studied state tax policy. "We took tax dollars to upgrade mining equipment so they could invest in mining equipment and lay off people and reduce employment, rather than increasing employment.

"Any time you give tax breaks, there are fewer tax dollars to be spent. And, clearly, we've made some horrendous mistakes in terms of tax policy. (With) the Super Tax Credits, we were losing over $100 million a year, and it could have been a significant impact in funding public education and other services, too. It was a disaster all the way around other than for a select few."

West Virginia Secretary of State Ken Hechler picked up the standard of tax reform in 1994, charging that the State Tax Department ignores land sales and is guilty of under-appraising and under-taxing huge acreages, particularly of reserve coal which companies buy for speculative purposes.

photo: Beth Spence

As a member of the Board of Public Works (along with the governor, commissioner of agriculture, attorney general, auditor, treasurer and superintendent of schools), Hechler, in March 1994, introduced a resolution to require the Tax Department to start appraising and valuing coal lands at sale prices.

"The Board of Public Works is authorized to make final assessments on all public utilities, including railroads, airlines, bus lines, car companies and telephone companies," he said. "Therefore, in order to do that, we have to make sure that our assessment of public utilities is in line with the proper appraisal and assessment of natural resources. I suggested we start with coal."

Although the Board of Public Works approved Hechler's proposal, the Tax Department did not act, but merely responded with a 100-page report which, in essence, said everything they were doing was "hunky-dory," Hechler said.

"They listed a huge number, over 900 sales, to try to prove that their figures were correct. They also made a 'sky is falling' prediction that if what I was trying to do ever went into effect, we would have the worst depression that West Virginia had ever had, and that it would raise taxes by over 2500 percent, and it would drive all these people out of business."

Hechler went through the sales cited by the Tax Department and found that more than half took place before 1985, nine years before, and 40 percent occurred between a coal company and a subsidiary or between a man and his wife or between relatives.

Charleston Gazette investigative reporter Paul Nyden went even further – he took a trip to the Logan County Courthouse, in the heart of the southern coalfields, to check coal sales for himself. He found that while Tax Department researchers had included in their list a $2,000 sale of 40 acres (worth $50 an acre) in 1987, they had missed another deed which recorded a $331 million sale of 39,023 acres in 1981, perhaps the largest sale in state history. That property, sold by U.S. Steel Corp. to Royal Land Co., a subsidiary of Old Ben Coal, Sohio and BP-America, was worth $8,484 an acre. Five years later, Sohio sold the tract to Pocahontas Land Corporation, a subsidiary of Norfolk Southern Railway for $69.1 million, according to Nyden. The Tax Department missed that sale, too.

Attempts by county assessors to obtain fair taxes from coal companies based on property sales have failed as well. *The Charleston Gazette* cited a case in Webster County in which a Massey Coal Company subsidiary paid $30 million for a tract. When the Webster County assessor assumed the land was worth $30 million and taxed it accordingly, the coal company appealed the assessment to the United States Supreme Court, which ruled in 1989 "that Massey couldn't be charged honest taxes while other firms are taxed much less under the state formula," according to the *Gazette*.

In 1995 Hechler joined the West Virginia Education Association, the United Mine Workers, the AFL-CIO and a coalition of citizens from Clay and Raleigh counties in a suit which argued that the state Department of Tax and Revenue has long undervalued and undertaxed the state's best coal reserves. The groups cited one coal tract bought for $26 million but taxed as if it were worth $6.2 million and another that sold for $13 million but taxed at $1.5 million.

The Charleston Gazette responded editorially in 1996, "For any system of property taxation to be fair, the assessed value of property must have a consistent relation to actual market value. The State Tax Department continues, unfortunately, to demonstrate its inability to devise a system for assessing mineral reserve lands meeting that goal. Sadly for the children of this state, whose education is paid for mostly by property tax revenue, the Tax Department consistently undervalues some of the richest coal reserves in the state."

Added a WVEA official, "I think we need a tax department that is genuinely concerned about going after and equalizing property values. I don't think there's an ethic there that holds equalizing property values at a high enough standard. It's a low priority for them."

Kanawha Circuit Judge Andrew MacQueen, hesitant to declare the current tax system unconstitutional, ruled against the groups bringing the suit. In July 1998, the State Supreme Court of Appeals followed suit by refusing to hear the case. Justice Larry Starcher blasted the court's majority in a dissenting opinion, stating that the unconstitutionality of the tax inequality is "entirely supported and indeed compelled by the evidence."

Starcher said the Supreme Court majority shows "little inclination to protect the constitutional rights of school teachers, union coal miners, environmentally concerned citizens, small property owners and taxpayers generally."

Added Hechler, "For over a century, the citizens of West Virginia have suffered a clearly unconstitutional tax system which places the burden on car and home owners, while allowing primarily out-of-state holders of natural resources to escape taxation. Through big campaign contributions, those favored special interests have been able to perpetuate this skewed tax system."

In Lincoln County and other rural school districts, residents argue that even if the state's tax system were fair and equitable, the school aid formula would make it impossible to adequately run a school system, especially in a rural area.

Judge Recht said in his decision, resources must be allocated to county school systems according to needs and costs. The judge recognized that factors such as isolation, terrain, population sparsity, road conditions and small school size created differences in needs and costs that he said "must be incorporated into the financing structure."

The school aid formula, which dictates how much state tax money will be returned to a county, is under fire by a number of school officials in rural counties because the amount counties receive from the state is based on student population, not need.

"State aid is very unfair to rural schools," Clay County Superintendent Jerry Linkinogger said. "The state needs (a statewide levy) desperately."

The first step of the formula provides each county school board the amount of funds required "to pay the state minimum required salaries for professional educators" as provided by state law. This allowance is limited to 53.5 professional educators per 1,000 students in net enrollment. County boards must maintain a minimum ratio of 50 professional instructional personnel per 1,000 in adjusted enrollment or face a reduction in the allowance. Similar regulations are in effect for service personnel, with the allowance limited to 34 service personnel per 1,000 students.

"For over a century, the citizens of West Virginia have suffered a clearly unconstitutional tax system

Another part of the formula gives each county board a share of contributions to social security, unemployment compensation, and workers' compensation and funding for retirement systems. It also provides 80 percent of transportation costs within a county and gives school systems $150 multiplied by the number of professional educators for administrative costs.

Each county board's local share is calculated by multiplying the assessed value of all property in the county by 98 percent of the regular levy rates set by the Legislature and then deducting five percent for discounts, exonerations, delinquencies and the like and two percent to be paid to the Assessor's Valuation Fund. The total local share calculated for each county is used to reduce the state's share distributed to each county board.

photo: Jim Balow

So, a county's share of the state aid formula is based on student enrollment with allowances for so many professional and so many service personnel per student. And, as Linda Martin noted, it doesn't take into account the condition of county roads or the distance between students and schools.

Bob Bastress and Jim Lees, attorneys representing Pendleton County residents fighting consolidation, say the school funding formula discriminates against rural counties with low teacher-student ratio. The cap on funding professional educators forces counties to consolidate schools and discriminates against children attending school in sparsely-populated areas, they say.

"When counties exceed the caps, they must pay the excess teachers from local funds," Lees and Bastress wrote in an argument to the State Supreme Court of Appeals. "The sparsely populated counties are the poorest in the state, generally lack the ability to pass an excess levy, and are therefore especially dependent upon state support. But because of their relatively low student enrollments, the rural counties cannot maintain community schools, meet curricular needs and stay within the caps. As a consequence, such counties are pressured to close and consolidate community schools. . ."

Small, poor, rural counties which have tried to operate within the formula *and* maintain community schools have found themselves facing budget deficits and threats of state takeovers.

Those deficits were predicted by rural school administrators in a 1989 report, "Schools in Crisis: Students at Risk." The report maintained that the state funding formula discriminated against sparsely populated counties.

School officials who served on the task force that created "Schools in Crisis" noted that rural counties pay 40 percent more than the state average in transportation costs. The Webster County school superintendent said transportation was such a major problem in his county that school officials were forced to use all their allotted service personnel positions to hire bus drivers, leaving the county to pay cooks and secretaries from scarce local revenues.

Webster County, with one high school and four elementary schools for its 1,800 students, has a population density of only 3.38 students per square mile and some of the longest bus runs in the state. Nearly every student in the county is transported to school on a bus, and the buses travel 357,279 miles per year.

Transportation director Harry Given told the Associated Press that the county's transportation costs are about $618 per pupil per year. By comparison, Kanawha County's transportation costs are $341 per student. In the 1996-97 school year, Webster County spent $1.1 million – or 10.5 percent of its budget – on transportation costs.

In a 1996 report on county schools systems running deficits, "Fragile: Education in the Balance," Arnold Margolin listed three factors that appeared to be directly related to the deficits – the absence of an excess levy, sparsity of student population and overall management of education resources.

The three words that have guided not only new school construction, but school operation in the last decade, is "economies of scale."

"The county school boards are operating in a fiscal and economic environment which is extremely challenging," Margolin wrote. "On balance, they are surviving budgetarily, but the reporting of 78 deficits during the time period of this study underscores and highlights how 'fragile' the overall financing system for education can be from one year to the next."

In her five-part study of education in the state, *Beckley Register-Herald* reporter Nerissa Young suggested that "a data sheet from the state Department of Education for the past nine fiscal years looks like a casualty list. Thirty-six of the state's 55 counties posted at least one deficit during the period."

In February 1997 sixteen counties were running deficits. Topping the list was Mingo County, carrying a $9 million deficit and cited as "dysfunctional" by a member of the state Board of Education. The state finance department ordered Mingo to address the deficit with a specific checklist ordering cuts in personnel, transportation and nutrition programs, and the state is leaning on the county to consolidate schools.

Lincoln County's deficit at that time was $900,000, which the state also held as a hammer over the heads of county officials. Like Mingo, Lincoln County received a checklist from the state, ordering the consolidation of schools and cuts in personnel and administrative spending.

While some teachers said they were told the state was afraid to step into Mingo because the county was in such a financial mess, the State Board of Education in early 1998 did take control of the troubled school system, which by that time still had a $2.3 million deficit. As they had when they took over Logan County schools in 1992, the state hired a new superintendent of schools from outside the county. The new superintendent earned $23,000 annually more than his predecessor, the difference being paid by the state.

Mingo's problems have for years been more severe than Lincoln's, but it was the Lincoln County school system that lived under the threat of a takeover in the years following the state's takeover of the Logan County system.

"It's a financial squeeze that's put on counties to begin with," said a Lincoln County principal. "Lincoln County's a good example. The school aid formula is set up against rural counties. It's set up and designed to force rural counties to consolidate. Lincoln holds out, with the different factors and wars we've had, we've held out and we've continued to have our financing problems. The Legislature could change that real quick if they wanted to (by amending the school aid formula)."

If the school aid formula by itself isn't strong enough to force consolidation, the School Building Authority is a sledgehammer designed to completely smash any existing hope for small schools.

Lincoln Countians reserve a special enmity for the SBA and for state Schools Superintendent Hank Marockie, who also serves as president of the Authority. In addition to Marockie, nine other persons appointed by the governor serve on the Authority's board.

The SBA uses eight criteria established by the Legislature when deciding whether or not to fund projects. The criteria include health and safety, economies of scale, reasonable travel time, multi-county planning, curricular improvements, educational innovation, adequate space for projected enrollment, and a history of the county's efforts to raise local money for capital improvements.

The three words that have guided not only new school construction, but school operation in the last decade, is "economies of scale." Those words, say Lincoln Countians who have fought for local schools, sound the death knell for small, rural, local schools. Economies of scale has become synonymous with consolidation.

"Economies of scale is a beautiful piece of efficiency based on industry," said an elementary school principal. "It says that the larger numbers of children you can serve in a certain area, the better spent your money is. In a sense, that's a wonderful theory if you were producing nuts and bolts or car steering wheels that didn't have feelings or didn't have to ride on a bus to get there."

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In their long-running battle against consolidation, Lincoln County parents have continually butted heads with the School Building Authority, and many believe the SBA is the major vehicle through which the state is forcing consolidation. They maintain the formula used by the SBA to grade grant applications makes it impossible for counties to even consider renovating and maintaining small schools.

"The SBA makes the rules by which the money is given out, so the school boards have to meet the requirements to get the funding," said Deirdre Purdy, a former Calhoun County school board member who has since completed law school at West Virginia University and continues to be involved in school reform efforts.

Ms. Purdy says the SBA doesn't give equal weight to all eight of the criteria it has established to make decisions regarding funding school construction. In fact, it routinely gives a higher rating to economy of scale than to travel time, thus ensuring that only proposals for large consolidated schools will be funded.

"The criteria requires bigger schools," said Ms. Purdy, in an article for the *West Virginia Law Review* in which she argues that by forcing school consolidation, the SBA is ignoring its legislative mandate and in the process is hurting low-income, rural children.

Ms. Purdy pointed out that Judge Recht was "clear that the state's legal duty to provide equal educational opportunities does not mean providing identical resources or one-size-fits-all plans. In particular (he) recognized that there are unequal costs and greater need due to isolation, population sparsity, terrain, road conditions and resulting small school size."

She noted that West Virginia is the second most sparsely populated state in the east. Seventy percent of the state's children attend rural or small-town schools. Of the state's 55 counties, 27 have less than ten students per square mile. Those counties, she maintains, are poorer – 60 percent of their students are eligible for free and reduced school meals as opposed to 45 percent of students in more densely populated counties.

The special task force on Rural School Districts reported in 1989 that a child in a sparsely populated county will begin the day with a long bus ride, is likely to be from a poor family, is more likely to have parents who are unemployed, is more likely to receive special education services, is less likely to be classified as gifted, is more likely to have parents who did not graduate from high school and has a greater chance of becoming a high school dropout.

It is no surprise that those sparsely-populated counties have a harder time supporting their schools. Between 1990 and 1995, eighty-one percent of counties ending the school year with budget deficits were rural counties.

"The SBA is forcing counties to build larger schools that are unnecessary, wasting money and hurting poor and rural children," Ms. Purdy said. "(Those schools are) inappropriately sized for their population sparsity, terrain and road conditions. Additionally, the poverty of the rural counties creates special educational needs which are best met in smaller schools."

In an amicus brief filed with the State Supreme Court of Appeals on behalf of the Annenberg Rural Challenge in support of Pendleton County parents trying to save their community school, attorney Franklin D. Cleckley said that because of the economy of scale regulation, "the West Virginia school building program has gone badly wrong for many students in rural areas."

Attorneys Bob Bastress and Jim Lees say of the more than $400 million awarded by the SBA since its inception, more than 80 percent has gone to schools meeting the economies of scale and 91.4 percent has gone to schools that either met the economies of scale or were the only schools in the county. They noted that 62 percent of the state's schools, serving more than 127,000 students, do not meet the economies of scale.

"The SBA's formula really drives the last nail in the coffin because rural schools are poorer, have a harder time passing levies and the SBA won't give them money unless they consolidate," said one consolidation opponent.

Across the state, parents in rural areas have argued without great success that their children suffer when they have to ride school buses an hour and a half each way every day to schools outside their communities. The message from the SBA is clear – those bus rides are much less significant than the economy of scale numbers – elementary schools with at least 350 students, junior highs with at least 800 and high schools with at least 1,200 students.

photo: Beth Spence

A number of rural educators, however, agree with the parents. "There's absolutely no question about it, they want to build the minimum and pack the kids in," Pocahontas County School Board member Gibbs Kinderman told *The Charleston Gazette*. "Educational advantages is something they've made up. There's no evidence showing that anywhere, at least not that they've shown me."

Nor can the movement to consolidate the state's rural schools be justified on economic grounds. Using data provided by the State Department of Education, Deirdre Purdy compared ratios of students to professional educators and service personnel in 1990, before the SBA began awarding grants, and in 1995, after the state had closed 258 schools. She found almost no difference in the ratios. In 1990, the state had a ratio of 13.45 students for each professional educator and 22.04 students for each service worker. In 1995, those figures were 13.54 and 22.02. Because transportation costs were bound to increase as community schools were closed, it is reasonable to conclude that "economies of scale" policy hasn't saved West Virginians any money.

While Authority members insist that consolidation issues must be resolved at the local level, local school board members know if they don't propose construction of schools which meet the economy of scale criteria and the enrollment guidelines, they will not receive funding.

Bastress and Lees addressed the squeeze put on local boards of education. "If a county board exceeds the statutory caps for professional educators, then it must locate local revenues to pay those teachers... such revenues are severely limited in sparsely populated counties. At the same time, the rural counties with community schools tend to have smaller classes and thus need more teachers. Too often, the only way, beside cutting into the core curriculum, for a board to stay within the caps is to consolidate schools. That is especially true when the cap is combined with the SBA's funding process. Together, the cap and the SBA operate like a carrot and a stick towards closure of community schools. The carrot is the lure of large chunks of SBA money – money which could not be raised locally – and the stick is the cap on professional educators, which requires boards to pay for the excess teachers."

When the School Building Authority was created, Governor Caperton hailed it as the first step in a ten-year school building plan that he said would result in the closing of 245 schools by the year 2000.

Responded Ms. Purdy, "That the governor's school *building* plan involved *closing* 245 schools was a clue to the policy direction the SBA would take. When the economy of scale numbers were issued in 1989 only 34 percent of existing schools in West Virginia were eligible for SBA funding based on these size requirements. For counties to build schools that would be large enough to be

A county school superintendent said simply, "We're forced to consolidate to survive,"

eligible for SBA funds, other schools, smaller schools, would have to close. There was no need, therefore, for the governor or any policy makers to urge 'consolidation' because the only way to reach the economy of scale required enrollment numbers would be for some schools to close and merge.

"In fact, predominately smaller and largely rural schools closed and their students merged into existing student bodies. Through application of the one-page economy of scale regulation, a school building program automatically became a school closing and consolidation program."

A county school superintendent said simply, "We're forced to consolidate to survive," he said.

A Lincoln County official says the entire process by which the SBA awards grants is tainted by politics. "They haven't really replaced the oldest and worst structures where there's the greatest need," he said. "That's not the way they go about it. A lot of it's politics, obviously. Look at Kanawha County. They have a half dozen buildings that are in worse shape than any we've got in Lincoln County. We've closed schools in much better structural shape than anything they've got in their bottom ten buildings.

"I'm not sure what their criteria are," he said. "They've got some criteria in writing, but any time they want to go around it, they do. The governor controls the SBA, 100 percent. It's an autocratic process."

Julian Martin assessed the situation bluntly, bringing the blame back full circle to the state tax policy. "The state has used the Recht Decision as an excuse to consolidate. The Recht Decision didn't say you had to consolidate. The state people decided the only way you could have equalized education is to consolidate into big schools. They'd rather give tax credits of $100 million a year to coal companies and Wal-Mart rather than tax those companies and pay for education. So in order to have cheap education, you have to consolidate."

A Charleston lawyer who has represented parents who have fought to save their community schools argues that the state needs to reassess its funding criteria. "I think we need to explore the funding of rural schools and how schools react to declining enrollment," he said. "We need to determine where (the push to consolidate) stops and how we can deal with the problems where school boards say we're forced to consolidate because we can't afford those schools."

Attorney Franklin Cleckley, in his brief to the State Supreme Court of Appeals, maintains that "arbitrary school size requirements invidiously discriminate against rural children, preventing their equal access to school facilities and thus to educational opportunity. The majority of West Virginia's rural children are also poor, increasing their educational need and making the denial of access to schools doubly destructive."

Concludes Ms. Purdy, "The SBA, by forcing larger schools on West Virginia counties whether they want them or not, adds to the educational distress of poor and rural children, depresses academic achievement and fails to thoroughly develop students' minds. These effects could be undone in one stroke: by keeping and improving small schools which are already in place."

photo: Beth Spence

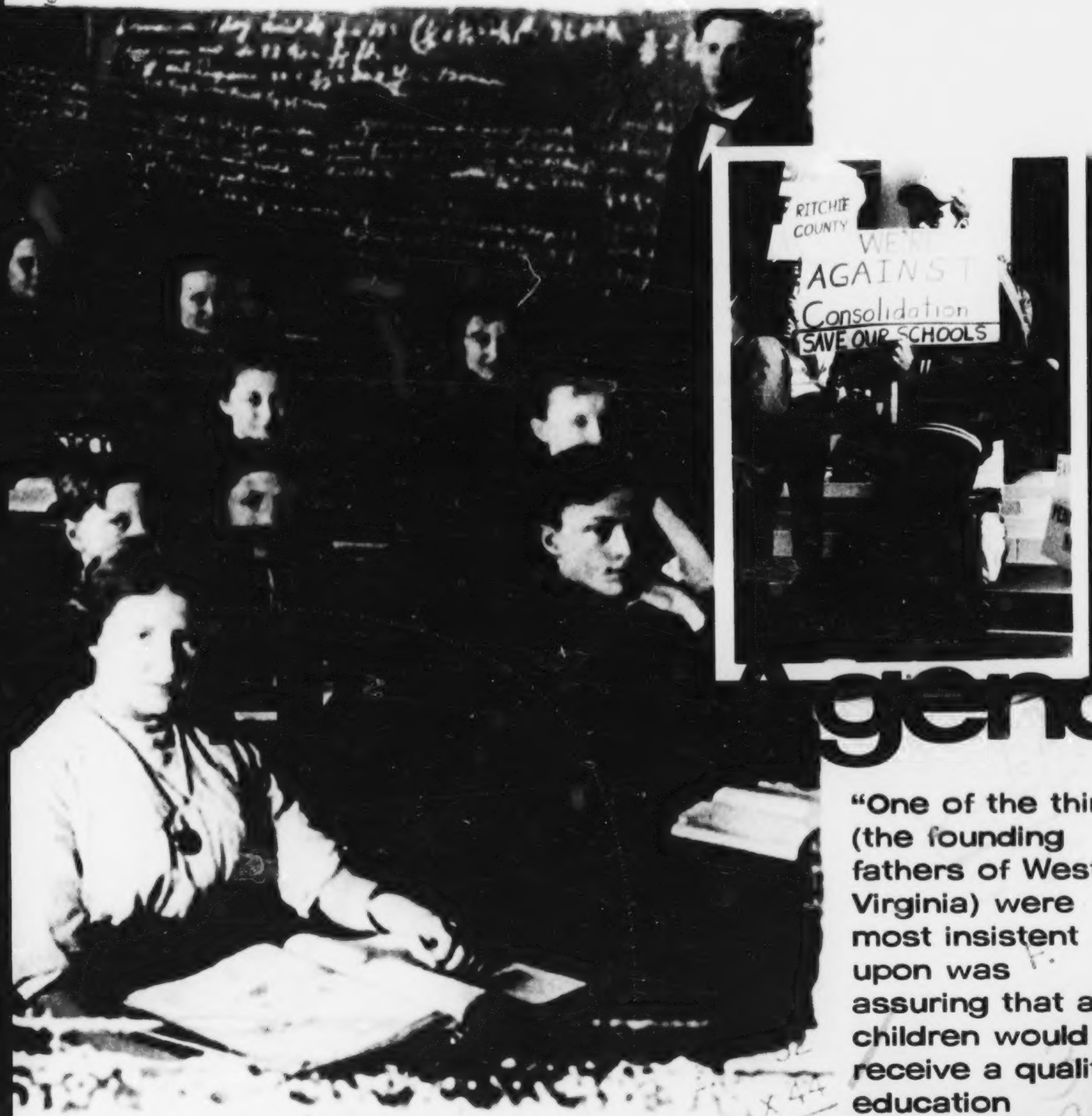
RITCHIE COUNTY
WE'RE AGAINST Consolidation
SAVE OUR SCHOOLS
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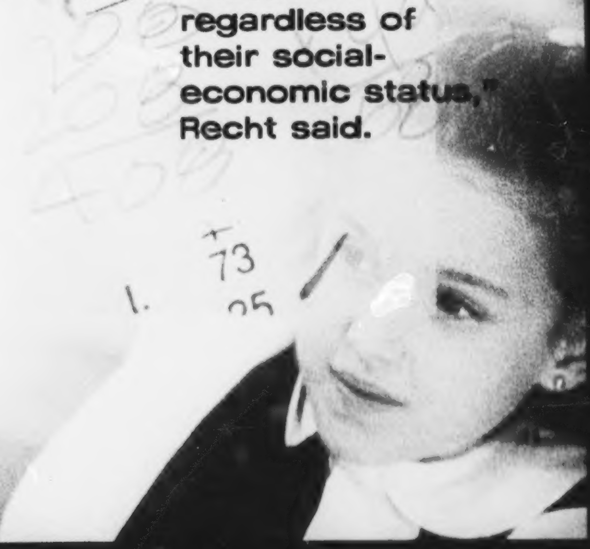
photo: Beth Spence

Agenda

"One of the things (the founding fathers of West Virginia) were most insistent upon was assuring that all children would receive a quality education regardless of their social-economic status," Recht said.



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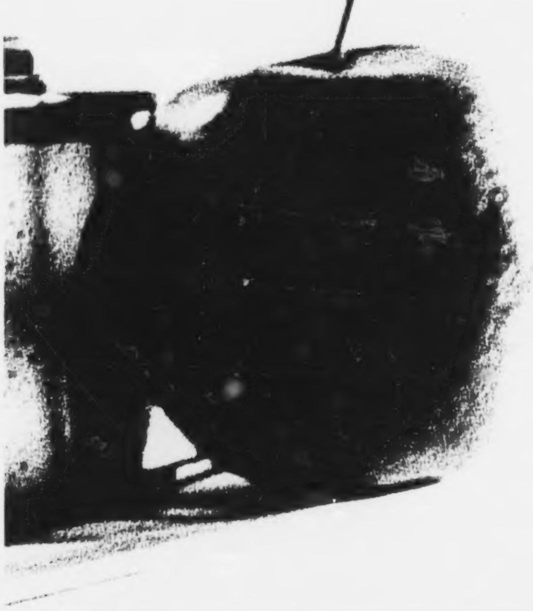
When Arthur Recht began his research into education, he was particularly moved by concerns of the men who fought to create the State of West Virginia and how they came to place the "thorough and efficient" clause in the state's constitution in the first place back in 1872.

"One of the things (the founding fathers of West Virginia) were most insistent upon was assuring that all children would receive a quality education regardless of their social-economic status," Recht said.

The government of Virginia had long wrestled with the dilemma of how to provide education for the masses. In 1779, Gov. Thomas Jefferson recommended the state provide three years of schooling for all children and that those who showed promise receive more education. The proposal died under the pressure of wealthy landowners who were opposed to paying taxes to educate the children of the poor. Education was available only to those children whose parents could afford the tuition.

'We have to insist that we provide a, and they used the term 'thorough and efficient system of public education' for every student in West Virginia.'

In *West Virginia Yesterday and Today*, Phil Conley and Boyd B. Statler noted that one of the first features of the new state's constitution was a provision for a free-school system. It provided that schools were to be organized and maintained by the public for the education of *all the children of all the people*.



No one can say for sure when the first school was opened in West Virginia. It is, however, safe to say that it came soon after the arrival of the first settlers. Conley and Statler recounted the story of the young George Washington, who on his first trip into what is now West Virginia in 1748, noted that he had seen the "schoolhouse old field" in the South Branch Valley of what is probably present day Hardy County.

Those early schools, styled after the common schools of Virginia, were located in abandoned houses or in old fields, hence the name "old field schools." School terms lasted only a few weeks each year, during which time the schoolmaster was provided room and board by parents, who also paid a small sum for the tuition of each child. Most of the early teachers were men who had little education themselves and who taught only reading, writing, spelling and arithmetic.

Conley and Statler describe the early buildings constructed to serve as schoolhouses:

". . . the first schoolhouses for that purpose were of logs and consisted of one room. The floors were made of logs split in half, with the half side turned up. The seats were benches made of similar half logs with four big pegs for legs. These benches had no backs and there were no desks. The pupils wrote their spelling words and arithmetic and any other lessons on slates. The pencils used on slates were of soapstone. Usually one writing desk was made by fastening a board to the wall and bracing it to form a flat surface. The pupils took turns standing at this desk to practice writing. Pens were made from goose quills. Paper was scarce and was dark and coarse. Ink was made from pokeberries or the bark of trees. Schoolbooks were usually a speller, an arithmetic and a reader. There were few books. Very few pupils could afford to buy them."

In 1810 the Virginia legislature established a Literary Fund to pay tuition for children whose parents could not pay to send them to school. Lawmakers increased the fund in 1816. To settle differences of opinion about whether the fund should be used for higher education or for elementary schools, legislation enacted in February 1818 allocated $15,000 annually to the proposed University of Virginia and $45,000 annually to the counties of Virginia to educate poor children.

Schools commissioners were appointed by county courts to oversee the funds. In 1832, reports reveal that 22 of the 25 counties comprising what is now West Virginia offered school periods varying from 40 to 81 days attended by 5,872 poor children out of a total 9,255.

In 1841 sixteen counties from what is now West Virginia sent representatives to a meeting in Clarksburg, where a plan urging the establishment of free schools was presented in resolution form to the Virginia General Assembly.

By 1850, western Virginia had more than 1,300 common schools and three counties — Jefferson, Kanawha and Ohio — had adopted district free school systems to be approved by local voters and financed by local taxes, as allowed by a Virginia law passed in 1829.

Soon after the western counties broke away from Virginia to form West Virginia, the new state's Legislature authorized using general property taxes to fund public education. Approximately 95 percent of total school costs came from local property taxes, so that, almost from the beginning, West Virginia's public schools faced the funding inequities that continue to this day.

Those men and women who crossed the mountains to settle the rugged western portions of Virginia were all too aware that the aristocrats who ruled the state considered the westerners crude backwoodsmen who did not require many of life's amenities.

"They had been exposed to a condition that was imposed upon them, the poor cousins west of the mountains, by the so-called Tidewater portions of Virginia, 'Let's keep those folks not as smart,'" Judge Recht said. "So when they were debating the Constitution, that came up. They said, 'We have to insist that we provide a, and they used the term 'thorough and efficient system of public education' for every student in West Virginia.'"

The problem, even then, was that some areas of West Virginia were more remote, more backwoods than others, with fewer books, fewer educated people, fewer jobs that required a classroom education – and, perhaps most importantly, less property wealth to provide adequate funding for schools. Wheeling, site of the original state capital, was very different from Welch in what would become the coalfields of McDowell County. And families in what would become Lincoln County were probably as different from the men who drew up the new state's constitution as the settlers of the western part of Virginia were from those in the Tidewater area.

The situation did not escape the attention of William R. White, the Methodist-Episcopal minister who became the first Superintendent of Free Schools in 1864. In 1865 White reported to the Legislature that 133 schoolhouses across the state employed 387 teachers, conducted an average term of less than three months and cost a total of $7,722 to operate.

White also submitted to the Legislature disheartening reports from county superintendents which described shortages of funding and supplies, school buildings in ruins, local school commissioners who were ignorant, indifferent and not always honest and those citizens who didn't want to see the children of the poor uplifted by education.

"The people must be educated up to that point where they shall see the great advantage of being taxed to build school houses and properly remunerate the teachers of their children," White wrote. "*Especially is it the duty of the state to educate the children of the poor man.*"

In his *A History of Education in West Virginia,* Charles H. Ambler remarked that during the next few years, under the leadership of White and Monongalia County superintendent Alexander L. Wade, the new state in some respects led the entire country in educational progress during the Reconstruction period. Wade in 1874 had devised the graded school plan for country schools, a plan considered the most advanced step in rural education in the country and one which was adopted in some form by every state in the union.

Ambler reported that beginning in about 1880, the state was no longer in the forefront of educational progress, a situation he said was "not due primarily to a lack of interest in popular education. More than anything else perhaps, it was a maladjustment to the Industrial Revolution. . ."

It was, of course, during this period, that West Virginia saw the emergence of the timber industry, the coal industry, and the mineral extraction industry. "Unfortunately for the state's educational interests, the corporate control of its industrial economy was largely non-resident," Ambler writes. "(The residents) had been deprived of a due share of their birthright, in that their natural resources were being exploited rather than developed... Thus the thorough and efficient system of free schools authorized in the constitution failed to materialize."

By 1908 West Virginia had only twelve high schools from which graduates would be unconditionally admitted to West Virginia University, Ambler reports. In that same year the Legislature authorized the construction of district high schools in areas where citizens were willing to support secondary education with a levy. Duval High School, in the Duval District of Lincoln County, was constructed in 1914, the first high school built in the county.

In the years preceding World War I, the high school movement continued to mushroom. In 1912 the state had 125 high schools with 6,950 students and 427 teachers, about half of them college graduates. By 1927, West Virginia had 260 high schools and 88 junior high schools with an enrollment of 57,363 students and 2,930 teachers. Unfortunately, only about 11 percent of elementary students continued on to high school, compared with 15 percent nationally.

In 1929 State Superintendent W. Cassius Cook recommended that the state assume one-third of the costs of running the school system. Supporters pointed out that 95 percent of the state's school revenues were from property taxes, compared with 73 percent in the country at large. Cook warned that the reliance on property taxes made the state's education system vulnerable. He proposed the creation of a school aid formula with an equalization fund for school districts that couldn't provide minimum terms with maximum levies; a school building fund; and a fund for management of school districts. The Legislature took no action.

In 1933, Gov. Guy Kump sponsored a bill to eliminate independent districts and create county units to operate school systems, according to Ambler. The County Unit bill became law in May 1933, abolishing 398 districts and creating 55 county districts. Under provisions of the law, ownership of school property and control of school affairs rested in the hands of county boards of education, whose members initially were appointed by the state superintendent for two-year terms beginning on July 1, 1933. Beginning with the general election of 1934, board members were to be elected by voters with no more than two from the same magisterial district.

Ambler noted that the public generally appreciated Kump's leadership in bringing order out of a chaos that threatened the free school system. But he also observed, "Progress in public free school education continued to be retarded by a more or less veiled political control centering in the state capital, which at opportune times made it difficult to get legislative approval of educational measures and appropriations without a green light from the powers that be."

In 1941, the Little Hatch Act was passed to address corrupt political practices in the education system. Ambler reports that prior to that time teachers "had been pushed about and farmed out by partisan school boards in a fashion which attracted attention beyond the state and caused residents to blush with shame." The law made the election of school board members non-partisan and made it illegal for any person to solicit contributions from any non-elected salaried employee of the state or to offer favors in exchange for political support.

A report by a retired Columbia University professor hired by the state Legislature in 1945 concluded that the amount West Virginia was spending on education was entirely inadequate to maintain the desired educational program.

In *The Strayer Survey of Public Education*, Dr. George Strayer pointed out that $7.5 million in additional funds could be raised by extending rates on property assessments to the legal maximums. But, he pointed out, if the state assessed property at its full and actual value — as required by law — and if necessary levies were provided, then an additional $22 million could be raised. Strayer also recommended the establishment of a State Board of Education to be appointed by the governor and to be given complete control of the state's school system, including the power to appoint the state superintendent in order to remove the position from partisan politics. In 1946 the Legislature defeated a proposal to bring about the reforms recommended by Strayer. It was not until 1958 that voters ratified an amendment to the State's Constitution changing the office of State Superintendent of Free Schools from an elective position to one appointed by the West Virginia Board of Education.

Said Ambler, "The inequalities and injustices thus entailed were intensified in those counties, which, because of their lack of taxable values, were unable to maintain standard programs. Then, too, there were still crowded classrooms, antiquated and even unsafe buildings; inadequate grounds, excessive distances to travel by bus to and from school; and a tendency to shorten the school day."

So the problem of inequality in West Virginia's public schools is nothing new, but it is something that has intensified during this century. By the 1990s, a deep-seated feeling of inferiority had become an ingrained part of the social fabric of Lincoln County and other counties where massive corporate ownership of land and minerals is coupled with low tax bases. And despite the efforts of people like Dan Hedges and Arthur Recht, inadequate resources remain a problem for many counties — most of them rural, most of them sparsely populated and most of them with high concentrations of outside ownership.

But in the eyes of most Lincoln Countians,

the root of the problem with education reform overlays the problems of taxes, school aid formula and the building authority like a clinging sheet of transparent plastic. Go to Lincoln County and just about everyone will tell you – the real deterrent to better schools is politics. Like the clear plastic, the political influence is hard to see and difficult to describe. But Lincoln Countians believe the tax system is the way it is because of politics. They believe the school aid formula was worked out the way it was because of politics. They believe the School Building Authority is the way it is because of politics. And, ultimately, the schools are the way they are because of politics.

> **"I fear for the children. It makes me so angry that the people in this school system don't care about the children."**

When they speak of politics, Lincoln Countians aren't talking about a structure of government that allows ordinary citizens to control their destinies. On the contrary, politics as practiced in southern West Virginia is a method of control that leaves the majority of citizens feeling oppressed and victimized. Politics is a stacked system, set up to benefit a minority at the expense of the majority, a politics of exclusion and disempowerment.

In his book *Making Democracy Work*, Robert Putnam, director of the Center for International Affairs at Harvard University, defined a concept which he calls "social capital." Social capital, as Putnam uses the term, refers to features of social organization that enable people to work together for the common good. Trust and cooperation are key components.

Putnam had spent twenty years studying the types of government that evolved in different parts of Italy after the country ordered the creation of democratic governments for its districts in 1970. Those districts that achieved true democratic government and, along with it, economic growth, were those with rich traditions of social capital. Areas with no traditions of civic collaboration found it more difficult to overcome barriers of suspicion, exploitation and distrust. In other words, the traditions that had evolved over generations tended to perpetuate themselves.

Communities that have dense networks of civic engagement (through neighborhood associations, sports clubs, choral societies or cooperatives, etc.) are generally rich in social capital and are democratic, Putnam maintains, because people act out of concern for the entire community. People in communities rich in social capital turn out to vote, read newspapers and are involved in PTAs and other associations which bring people together to act for the common good. Such social capital, he argues, is a precondition for good government and socio-economic modernization.

Lincoln County, with its history of out-of-state control of land and mineral wealth, has been robbed of its social capital. Putnam might argue that the county's economic past led to its political present — that the control and exploitation of natural resources prevented the formation of democratic institutions. The political system in place today evolved from the system created to protect those absentee interests, and it continues to promote the good of a few at the expense of the many. With no collaborative traditions to fall back upon and no truly democratic institutions to support them, the citizens of Lincoln County are almost powerless to alter their circumstances.

"Now," said one resident, "we only get together for funerals, **to share our losses, our past, not our future."**

Even those institutions which could offer some semblance of democracy fail to do so. The community newspaper at one time was run by a publishing gadfly dedicated to providing a lively weekly reflection of activities throughout the community. It now is in the hands of the people who run the political establishment and doesn't even pretend to offer differing sides on issues of social concern.

The community schools once were places where people gathered to work for the common good by cleaning up the playgrounds and planting trees; where they discussed issues concerning their children and their own lives; where they came to celebrate the small milestones of day-to-day life in a community. When the schools were closed, another avenue to social interaction was gone. "Now," said one resident, "we only get together for funerals, to share our losses, our past, not our future."

As for voting in elections, many Lincoln Countians have come to the conclusion that it really doesn't make any difference whether they vote or not. The elections are so controlled as to make it impossible for them to change their community by doing their civic duty at the polls. Voters from one district are played off against voters from another so that ultimately the influence and money of a few controls the elections and only those already in power benefit by the government.

"It's Boss Hog politics," explains one veteran elementary teacher. "I think everyone can understand that. They're wanting to keep the children uneducated and keep them ignorant, to keep *them* in control. Then they can be the Boss Hog. They keep the children where they can't achieve, so they can't become intelligent people that make intelligent decisions at the polls.

"I fear for the children. It makes me so angry that the people in this school system don't care about the children. It's political. They can keep total control. The kids will stay illiterate, and it doesn't matter what the Recht decision or any other case will do, it's not going to change until the attitudes of this county change toward cleaning it up. Until they get the politics out of the school system, it's never going to change."

The imprint of that oppressive type of political influence is on every page of the history of the last twenty years of the Lincoln County school system. In 1976 school cook Mauna Honaker and two other employees filed a federal court case saying they were fired because they refused to support a particular school board candidate in an election. A federal judge found in favor of the trio and ordered them reinstated with back pay.

Prior to the 1982 primary election, newspaper ads showed a school board hopeful included in a list of candidates endorsed by the School Board Faction for county and state offices. The ads pledged that all the candidates, including the supposed "non-partisan" school board nominee "will continue the progress which has been made in Lincoln County by our organization."

In the 1980 election, the county schools transportation director, who still holds the post, doubled as treasurer for the local Democratic party and got $20,000 from then Governor Jay Rockefeller to do precinct-level organizing, according to Rockefeller campaign reports.

And in that same election 47 school employees – most of them cooks, janitors and school bus drivers – were identified as Democratic precinct workers.

A parent who was active in the movement to save Lincoln County's four high schools observed: "I keep wanting to fall back on the political corruptness and control in Lincoln's school system because I think that's the heart of Lincoln's problems. In Lincoln County all roads lead to the political powers."

"How can you move past (politics) when it's right in the middle of it?" asked another parent. "It's an underlying factor in the education system."

A principal lamented, "I wish I could explain how politics works in the schools. I could get rich

"How can you move past (politics) when it's right in the middle of it?" asked another parent. "It's an underlying factor in the education system."

if I could explain this one. It's not Democrat or Republican politics. It's good old boy politics, politics of influence. Most people get their jobs because of who they know or some contact that they have."

"I try to stay away from politics," an educator said. "I don't play politics, but that is a very big problem, especially here in this county. The political factions basically tend to run the school system. The county boss, the head of the Democratic party, basically controls what the board of education does. They want programs put through, the programs go through. If they want something stopped, generally it gets stopped.

"I think in years past hiring and firing was a really big thing. I don't think it's as (bad now). . . maybe in hiring more than firing because there is a lot of protection there afforded by the state now as opposed to what it used to be. It's a lot harder to fire somebody. But hiring, particularly for new teachers, it's who you know as opposed to what you know."

One community leader said while the election of officials by the people is positive in most cases, the controlled political process of Lincoln County makes it more difficult to bring about change.

"It's difficult to get new people in and to get new ideas," she said. "They, when I say they, I mean the political powers, they just don't want to let go of that control. Lincoln County is a very rural area, not a lot of employers in the county. When you can control 800 people, give or take, you have a lot of control in your hands.

"Most of those folks are married with families, voting families. They use the service personnel, the bus drivers and the kitchen workers and the aides. I heard rumors that some were threatened with their jobs, 'you be careful or you'll lose your job, be careful how you vote.'"

Four stories describe the way political influence affects education in Lincoln County – one from a principal, one from a teacher and two from reformers who worked in county bond elections. Together, their stories illustrate the subtle and less subtle nuances of politics in the schools and the long-term devastating results which occur when children are not put first.

The principal told this story: "Somebody that's unhappy with me can very easily just pick up the phone and call a board member, who now feels obligated to do something for this person who has called him. After all, this could be a potential voter, and he doesn't want to make him mad. He'd like to do something to help him.

"So the board member will want to intercede, forgetting the fact that he's just a policy-making person at a board meeting and has no powers outside. He wants to intercede in some day-to-day things, minor things, it may be cheerleading things, just minor on the scope of a board member. But it's important to those people who are calling him, which makes it important to that board member."

If the principal won't do what the board member suggests, "then the board starts honing in on you as an administrator because you've now kept them from doing something those people have asked. So you come to directly butting heads with them. After all, they're the board member. You're one of their employees. Why don't you do what they say? It becomes little gougings. You may get audited more often than you'd ordinarily get audited. Or you may get more reprimands sent your way. And little silly things that you've now got to call back and check yourself about and put in writing. Things are said that cause you problems, destroy your credibility. That's the politics of the school system. Nothing to do with Democrats or Republicans."

The teacher said she doesn't hold out any hope that the school system can be changed until the political system is changed.

"People in Lincoln County are so entrenched in the political system and the way it's always been done," she said. "For example, we were discussing the janitor at our school not doing his job and how bad it is, and somebody said, 'Well, it's because his family got him the job politically, so he's protected no matter what he does.' This other teacher grew up in Lincoln County, but I thought she would not say something in support of politics. I was shocked when she said she didn't see anything wrong with taking care of your family.

"Lincoln County doesn't have enough money to run an adequate education system, but the board of education has enough money to hire a lawyer, keep a maintenance director and a transportation director, have assistant principals at the high schools and have a principal *and* a director of the vocational school," she said.

The political system negatively affects everyone in the school system and hiring people for political reasons breeds incompetence, she said. The failure of anyone at any level of the state to address that incompetence causes good educators to give up on the idea of being able to make a difference for children. "How can you help children believe they make a difference when you don't believe *you* make a difference?" she said.

"If you're not really self-motivated, after year after year after year of that, you soon give up and say nobody else cares, why should I? It's hard, it really is. Everybody needs to be affirmed in their work. But in a political system, that doesn't happen."

The parents told the discouraging story of working in the bond election in Lincoln County in 1996, the one the political leaders fought to defeat.

"I don't think in Lincoln County it is possible to have an honest election," one parent said. "You knew before those people voted exactly how they were going to vote. You know, and I hate to say this, you just knew when they came in, you knew where they came from and how they were going to vote. And the ones that came in voted it down. They didn't own property. They didn't have children. I don't want to come out and say what they were, but you knew they were brought in there to vote that down. They could have cared less what happened to that school. They were just told to vote it down.

"I don't like to say that low-income people are who defeated that, but I have to say that they're the ones that defeated our bond. I saw it. I understand those people. They survive by living off politicians, and I know how they have to survive. They don't think anything about going in there and voting against that. And, for all anyone knows, it may be $20 extra in their pocket."

The other parent told of going to the county seat to view a film on how to run a precinct on election day. She and the other election officials took notes and tried to do everything by the letter. "They said if you have any questions, call, but we had no access to a telephone. So we talked among ourselves, the four of us, and we'd come to an agreement," she said.

"Then it came to the tallying part at the end, and one of the people from out front came back. They weren't supposed to. They had done it several times during the day, and we kicked them out. They're not supposed to be in there. But he came back there and threatened us. Threatened us that we were holding them up. I said, 'If you want us to sit here until you go to Hamlin and get somebody, go ahead, because we've done

“If you can pull politics out of an education system, you'll create an e

everything by the book, and we had clear consciences.'

"One of the men that worked in the counting room with us down here told us that he used to work the elections. I thought he had worked in the election (precinct). 'Oh, no,' he said. 'I used to work on the outside, but not on the inside. I just looked at him and said, 'Can you tell me how that works?'

"He said, 'Well, somebody goes in and they vote. I was the one that had the money. They go in and vote and when they come back out, somebody comes out with them, whoever the door-opener person was, and if they pull on their ear, I'm to pay them because they voted right. But if they don't I'm not to give them anything.'

"Now that's how it works," the woman said. "I was astonished. But he was sitting down there telling this story while we were counting votes."

Photo: Beth Spence

When the election was over and the bond defeated, the woman talked to a friend whose son had worked at a local grocery store on the day of the election. "He said at the end of the day he helps count the money. He said they usually have five or six $50 bills. At the end of that day, they measured them, an inch and a half of $50 bills. An inch and a half. She said they pressed them together. They had an inch and a half of $50 bills that day at the end of the day."

The politics of education doesn't stop at the county level. Gaston Caperton was determined to make his political mark as the state's "education governor." The two-term governor attended every ribbon-cutting for every school constructed during his administration and boasted of investing more than $800 million in state and local funds to build 58 new schools and renovate 780 others.

Those big new consolidated high schools, many of them located on isolated stretches of road in rural counties, stand as his greatest achievement. Caperton and officials he named to run the state's school system suggest that because the schools are big and new, a higher quality of education is going on within their doors.

Lincoln County parents argue that even if the new schools have the latest state-of-the-art equipment, they are not enough to overcome the problems caused when political interests supersede the education of children.

"(The politicians are) controlling your educational system and the employees, the teachers, the principals. It's a vicious cycle, that, as long as that power is allowed to remain and continue, the cycle is going to continue," a parent said.

"If you can pull politics out of an education system, you'll create an excellent education system," she said. "But in a county where the tax base is as low as ours is now, it's kind of a no-win situation. Your power brokers or your political power brokers who control your economy, your business, who basically control your tax base, they're not going to bring anybody else new in."

Echoed another parent, "To make the school system better and to make it work, they need to bring politics out of the county board and let them make good decisions about what's best for the children and what's best for the school system. I don't know how. We tried, I know we've tried, but I really don't know the answer to the question. We need to elect officials that are not told what to do, but I really don't know. I'm at a loss. When we went to the state board, we had other counties fighting their school boards right along with us, and theirs was the same thing. Politics was in their school board. And when it is, they're going to control the money. They don't even think about the children."

cellent education system,"

A teacher said the entire structure of education needs to be changed. "Our priorities are just all mixed up," she said. "We're supposed to be there for the children, and it seems like the children are the least of our concerns. We need teachers who really want to teach children, we need administrators who are more interested in curriculum than they are in politics. Everybody's looking for a quick fix, and there just isn't one."

Especially vulnerable are the children of the poor. A 1996 study by Craig Ramey, an authority on early development at the University of Alabama, Birmingham, found that children from disadvantaged and higher-income families score about the same on mental tests until the age of one year. After that, children from low-income or troubled homes develop at a slower rate. By the age of two, they lag behind their better-off contemporaries by the equivalent of 15 points on the IQ scale.

Braxton County School Superintendent Kenna Seal said flatly, "The single most powerful predictor of school achievement is socio-economic status."

Many teachers feel that the practice of ability grouping, which Betty Jones so vehemently opposed when she was principal of Hamlin Elementary, exacerbates the problem.

"School is so structured and many children don't come from homes that are structured," said an elementary teacher. "When I was growing up, we were at the table three times a day together as a family. We did a lot of talking at the table. That's not happening now. The children just aren't exposed. They don't have the advantages. They don't travel, they're not exposed to magazines and books and newspapers in their homes. So they come into school at a disadvantage. And if they're grouped together, all these kids with the problems, who haven't had these experiences and who are behind, it really is difficult. Children learn from each other, so it's better not to have social grouping."

Another elementary teacher said socio-economic grouping was a fact of life in her school until the mid-1990s. The grouping began when students first entered school, the teacher said. "He (the principal) would go to parents and build this one teacher up; everybody knew in kindergarten that the 'who's who' would request (that teacher). He would make sure the 'who's who' were all together. So in kindergarten they put the 'who's who' group together.

photo: Rit MacDowell

"We had a joke we called it the 'lunch box group.' You didn't even have to see the free or reduced form. You watched the kids go through the lunch line, and the 'who's who' had lunch buckets. The poor other little children had little tattered shirts, standing there looking real pitiful with dirty little hair and no lunch buckets.

"He would put together the special ed kids, the BD

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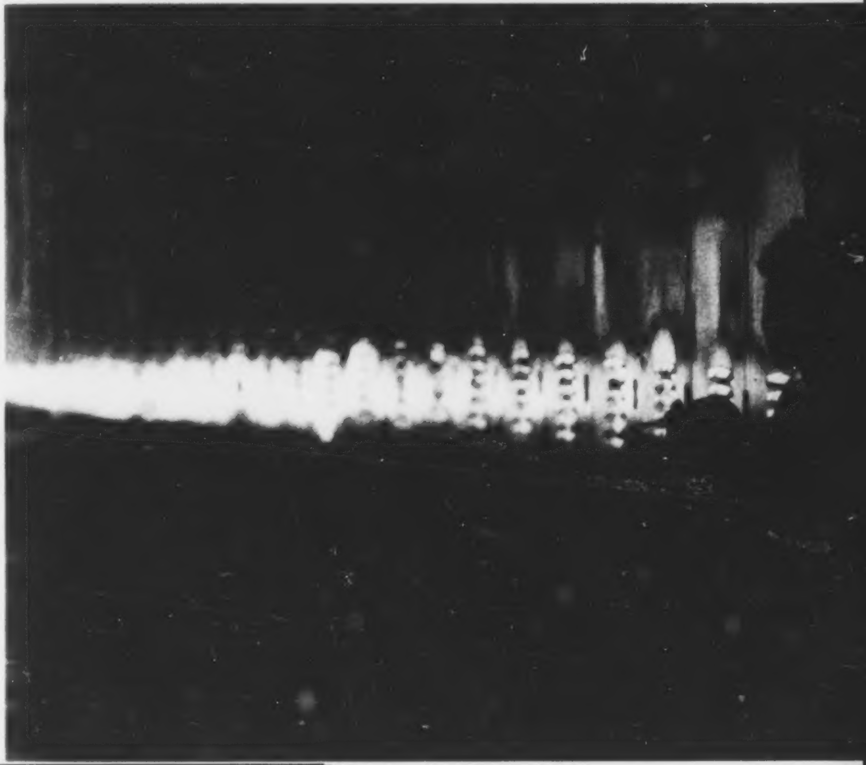
(behavior disordered) kids, the learning disabled, the children he hated, the poor kids. I really felt sorry for poor boys. He would stick them in there, and they didn't stand a chance. Even the brightest of children, it was really sad. It wasn't just a case where they catered to a few of these top people. They would ruin children's lives," she said. "I can name children whose lives were ruined, entire groups of students. I'm willing to say I'm sure it's the discriminatory socioeconomic grouping patterns here. It's still showing up in low test scores in the high school, and no one seems to care."

A parent explained it this way, "The minute a child is enrolled in school, expectations are set based on who his parents are. And this follows the child all his life."

A community leader who has been involved in the struggle to improve Lincoln County's schools added, "I think the little kid doesn't understand the difference between the dad that's never worked and is never going to work and the mother that doesn't care as opposed to a classmate whose dad does work and mother does care. He looks at himself as an equal and so they all try about the same. Somewhere along the line as they grow up, the kids begin to see the difference. The kids here in third grade are well above the national average in CTBS scores. They're hanging in there at the sixth grade level. By ninth grade level, they're started downhill and in eleventh grade, it's over."

"Children who are kept up at night by parents arguing, fighting and drinking haven't slept, **and they come to school worried about what's going to happen to mom."**



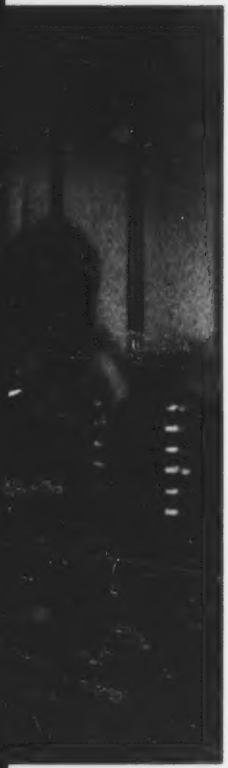
An honors student who did succeed in Lincoln County schools was blunt in her assessment of the system. "They sit the dumb ones in the back and the smart ones in the front. In first grade, they're told to sit in the back of the room. By fifth grade, they go there automatically."

And many of those children aren't slow, insists a veteran first grade teacher. The problem is they've come from homes where there are money problems, family problems, extreme need. Many don't get enough adult attention, and their parents, who often are stressed to the breaking point just to provide the basic necessities of life, don't know how to help them succeed in the school system.

"I see a big difference just in the last several years of children's home lives affecting what they're able to do at school," the teacher said. "Children who are kept up at night by parents arguing, fighting and drinking haven't slept, and they come to school worried about what's going to happen to mom. Daddy beat Mommy up last night or Daddy was with so and so last night, and we don't know where he is.

"A person who was in charge of a workshop I took was talking about how we expect children to come to school and have their book bag with them and their reading book or library book and their pencils and paper. But if you go to that child's home, they probably don't have a chest for their clothes. The clothes are in a box or maybe they're just stacked up somewhere by the side of the room.

"And she said, 'You think about where you came from, how you live now, where you've got a drawer for your underwear, a drawer for your socks and your shoes are kept here and your clothes are kept here. And that child's coming from a home that's totally disorganized, and you're asking him to be organized and ready for school and be prepared. The child just doesn't understand what that is."



The teacher said the workshop helped open her eyes. "I try to talk to the children at the beginning of school, to try to teach them responsibility, to get their things ready for the next morning, put it by the door if they need to so that they'll see it when they start out to school the next morning, that they've got to start accepting responsibility for their things. We can't just lay it on the parents. Part of the responsibility for helping them become responsible people is ours. We have to understand the environment they're coming out of, and sometimes we have to help them succeed in spite of that."

The 1996 *Kids Count Data Book*, which used 1990 census figures to draw a picture of West Virginia's children, found that almost half – or 45.1 percent – of all children in Lincoln County live in poverty. That figure is a 56.3 percent increase over the number of children in poverty in 1980. Researchers found a strong connection between child poverty and low school achievement.

One of the measurements of child poverty used by Kids Count, which focused on education issues in the 1996 data book, is the number of children who receive free and reduced-price school meals. In 1994, 64.1 percent of all Lincoln County students in grades kindergarten through 12 qualified for free or reduced school lunches and breakfasts. On a chart comparing child well-being with composite scores of the indicators used by Kids Count, Lincoln County ranked 54th out of 55 counties. Lincoln ranked fifth in the percent of births to mothers with less than a 12th grade education; ninth in the percent of low birth-weight babies; and tenth in the infant mortality rate.

Kids Count cited a 1995 study by the West Virginia Education Fund which compared 33 high-achieving elementary schools with 33 low-achieving elementaries. The lowest achieving schools had 2.5 times more students receiving free and reduced price meals than the highest achieving schools. Kid's Count research showed that the great majority of West Virginia's blue ribbon schools are in counties where child poverty rates are lower.

Needless to say, not one of the Blue Ribbon Schools is in Lincoln County, where the median family income in 1990 was $16,868 – a decline of 20.3 percent over a ten-year period – and where the percentage of families receiving Aid to Families with Dependent Children (welfare benefits) increased from 14.8 percent in 1980 to 28.7 in 1994 – a leap of 93.7 percent.

> **"I feel that poverty breeds hopelessness. And the adults are powerless. And when they're powerless, they're hopeless and they're frustrated. There's anger and there's no way out for these people."**

The Kids Count report also noted that counties like Lincoln, where high numbers of children are born to mothers with less than a high school education, face a special challenge of educating more disadvantaged children and improving the educational level of parents.

"The improvement of education for children in poverty is one of the crucial factors to reduce welfare dependency and to prepare students to participate in tomorrow's economy," said Margie Hale, executive director of the West Virginia Kids Count Fund.

"Poverty is a big issue," agreed a Lincoln County administrator. "It breeds a thousand ills. You don't know unless you've been poor. You don't know what kids have been through before they come to school or what they go home to. A thousand ills.

"I feel that poverty breeds hopelessness. And the adults are powerless. And when they're powerless, they're hopeless and they're frustrated. There's anger and there's no way out for these people."

The Story of the Politics of Education in West Virginia

The POLITICS of Education

Whatever Happened to Pauley vs. Bailey?

photo: Jim Balow

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Linda Martin has argued for more than twenty years that these low-income children from the troubled homes – children who are considered at-risk by sociologists and social workers – are the ones most affected by consolidation, which has enveloped Lincoln County just as Mrs. Martin predicted it would back in 1982.

Research by the Appalachia Educational Laboratory supports Mrs. Martin's belief. Studies since 1990 have revealed that most consolidations shut poorer, smaller schools and while richer students have done well at bigger, consolidated schools, poorer students have done much worse. In a 1996 study, AEL researcher Craig Howley concluded that longer bus rides curtailed student and parent participation, satisfaction and achievement. The absence of involvement and participation, Howley maintains, leads to lower test scores and higher dropout rates.

James Marsh, principal of the consolidated Webster County High School, where many students ride buses more than an hour each way, noted that today's children are judged not only on academic achievement, but also on community service. The principal has tried to squeeze an "activities" bus run into the bloated transportation budget so that students can take part in after-school programs and extra-curricular activities.

Marsh, who grew up in the county when there were two high schools, told the Associated Press, "If I'd had to take the school bus to Upperglade from Cleveland (on the Upshur County line), I probably would have been a dropout. It's bad enough in a car, let alone in a school bus."

Howley wrote that "professional faith in the virtues of larger schools persisted, virtually unchallenged, at least through the mid-1960s." One of the first books challenging the notion that bigger is better was *Big School, Small School: High School Size and Student Behavior*, by Roger Barker and Paul Gump. Barker and Gump found the levels of extracurricular participation are much higher in small schools than in large ones and that in small schools, where many students are needed to participate in clubs, offices and teams, even marginal students are made to feel that they belong.

Barker and Gump found that although there appeared to be no conscious intent to deny participation opportunities to students, large high schools have that effect. Not only is it difficult for the children in far reaches of counties to participate in after school activities, their parents also are not able to participate in the life of the school and the teachers and parents don't have the chance to get to know each other like they do in small community schools.

photo: Beth Spence

"Any time you consolidate, parents get left out because they quit coming to PTA, they lose interest in the school because it's so far away and they feel powerless," explained Julian Martin. "The worse off you are, the harder it's going to be to get to the schools that far away. So poor people get hit hardest by consolidation. They lose their voice. They don't have a school nearby where they can go to find out what's going on.

"They have to travel long distances, and their kids don't get to participate in extra-curricular activities because they don't have any way to get home. If you have a little bit of money, it isn't going to hurt you that much, except it's going to tear your community up. When you consolidate schools, you're taking the soul out of the place."

"When you take away the community school, you take away the knowledge about that family and that child," adds Linda Martin. "In a small school all the teachers pretty much know the families and the problems those families may be having. If Johnny's mom and dad are fighting, if his dad is in jail, if there is sickness, they know and they make allowances. When the child is in a school where no one is aware of those problems, the allowances aren't made."

An elementary teacher echoed the sentiment, "In a small community, everyone is related to everyone else. Kinship goes a long way toward eliminating a lot of socioeconomic and class issues. If a child is your nephew and his parents are having bad luck or are poor or are on welfare, you want that nephew to succeed, and you make sure the school knows what's going on. Unfortunately, when those children go out of that community, they're often perceived as just another 'Mud River hoodlum' or another loser from a family of losers."

A teacher who taught a combined first and second grade class at one small school remembers an incident in which two children, a first grader and a second grader, came to school after spending the night in a hospital emergency room where their mother was taken after she tried to commit suicide. The children were traumatized and had trouble explaining what was happening. The teacher, who knew the mother and understood the problems she was having at that time and the effect they were having on the children, ended up taking the children home with her that evening to look after them.

A principal who oversaw the closing of two schools said she felt like she was losing family members when the schools closed. "It took that family feeling away from the community there that you have when children start in kindergarten and are there for seven years. It's really emotional. Unless you've been through it, you don't realize what it's like.

"The parents worked well together, and the teachers did. It was just like a family working together – a village raising children," she said. "If I wasn't there and I needed someone to take care of my daughter, even if I didn't get word to them, I knew somebody was going to take care of her. And the same thing with the other kids. There was one little boy who was being raised by his father, and a few times I couldn't get hold of his dad, so I just took him home with me and fed him supper. When his daddy came home from work, he hadn't had any supper either, so I fed him, too. That's the type of situation it was."

A parent whose community school was closed said the community wasn't the same after the school was closed. "Everything was centered around the school. After the school was taken out, you could tell a big difference. Then we were a community that got together. Now we're just people who live along the same road. We don't even see each other much."

Julian Martin believes that just about everyone loses when schools are taken out of communities and built along four-lane highways where nobody lives. "We're Wal-Marting the school system," he says. "We're putting them out on the mall on a four-lane highway. That's what the schools are becoming – just big Wal-Marts."

Today in Lincoln County the smallest schools in the smallest communities are gone or on their way toward closure. A majority of Lincoln County parents, teachers and officials agree that consolidation, not better schools, has been the outstanding legacy of the Recht Decision.

"The biggest change I've seen is consolidation," said a teacher who has been in the system almost 30 years. "Smaller schools have been closed and the effort made to consolidate the high schools. I think the plan is to consolidate the elementary schools into the old high school buildings so you will have really large elementaries, too."

As late as the 1948-49 school year, Lincoln County had three high schools and 134 elementaries, 104 of them one-room schools. It is still possible to talk with retired educators who began their careers at Bear Creek or Brush Fork, Berry Branch or Buckeye.

By 1962, after the first wave of consolidation, the number of schools was down to 83. The schools lost were in the most distant, least populated areas of the county. By the time of the Recht decision, Lincoln County had 21 schools – four high schools (a high school had been constructed at Harts because of concern about dangerous traveling conditions) serving students in grades seven through twelve; one vocational school and sixteen elementary schools, serving students in grades kindergarten through six.

Today, the four high schools remain – the result of long and bitter battles against consolidation. But while citizens have been able to hold the line against consolidating secondary schools, the county administration, under pressure from the State Department of Education, has systematically closed elementary schools. By the beginning of the 1997-98 school term, Lincoln County had only nine elementary schools, and the board of education already had announced plans to close two more.

In 1991 Lincoln County citizens emphatically defeated a bond issue which would have financed two consolidated high schools – one serving students from Hamlin and Duval, the other for students from Harts and Guyan Valley. The plan was placed on file with the state, which had recommended building one high school and closing Ferrellsburg, McCorkle, Midkiff, Pleasant View and Woodville elementaries. The remaining elementary schools would have served students in grades K-5 with two middle schools set up at the current Duval and Guyan Valley High schools. With the defeat of the bond, many felt the school consolidation issue had been placed on a back burner.

As it turned out, the pressure was just beginning. Late in the year, the State Department of Education placed Duval High School on a list of "seriously impaired" high schools in the state, citing a 33 percent dropout rate, low test scores and poor

"Twenty percent of the kids get the best of everything. Eighty percent get what's left.

student attendance. The following year a report was issued which said 80 percent of students who had come out of the Martin Elementary School attendance area dropped out of Duval before completing high school. Members of the state Board of Education expressed shock after reading the report.

The county superintendent at the time laid the blame squarely on the backs of parents, saying "many of the parents don't place the right emphasis on the importance of education." Martin's principal blamed "the family situation" of many students, saying a majority of parents were receiving public assistance.

But a bright and sensitive high school student, who became part of those statistics when she dropped out of school in the eleventh grade, said it wasn't that simple: "Twenty percent of the kids get the best of everything. Eighty percent get what's left. You're in a category. They know who you are and who your parents are. People who have introductory calculus or physics are politicians' sons or daughters. What they mean is, 'I know where you're from and you don't need this.' So you battle for a while, but then you just give up."

The year after the report was issued, Martin School was closed, together with McCorkle Elementary, which was converted into an early childhood center for kindergarten and Head Start students. Fez and Garrett's Bend had been closed a few years before that.

Then in 1994 – just weeks before the school board had to submit a new comprehensive facilities plan to the state – Superintendent Dallas Kelley unveiled plans to build the largest consolidated high school in West Virginia, a facility which would house 2,800 students in grades five through 12. *The Lincoln Journal* reported that the plan was the result of a meeting between Kelley and the county's two leading political bosses, Democratic Party Chairman Wylie Stowers and State Sen. Lloyd Jackson II. The site of the school was rumored to be in West Hamlin, a community on the far western fringe of Lincoln County which was home to Stowers. The proposed school site was about a mile down the river from his shopping center.

Board meetings were packed with irate parents, many of them from the eastern part of the county, which had supported the two high school plan. They were incensed that the School Board would give serious consideration to construction of a school that would have their children – especially very young children – spending more than three hours (an hour and a half each way) on a school bus each day.

Parents from the Harts area joined in the protest. "The kids down here would have a two-hour bus ride one way," said one parent. "They can't participate in after-school activities, and they'll be too tired to get homework done."

The parent noted that the high school had been built in Harts in the first place because of concern about long and treacherous bus rides over Fourteen Mile Mountain, which separates Harts from the Guyan Valley area. "When they went to Guyan Valley, kids were dropping out left and right," she said. "Now they're taking something away from us and we're really frustrated."

The frustration intensified when parents' questions were answered only with anecdotes and lengthy slide presentations showing consolidated high schools in other counties. School officials seemed to believe that if Lincoln County residents were shown pictures of big, new schools, they would fall in line behind the idea of a big, new consolidated high school. They could not have been more wrong.

Julian Martin summed up the sentiments of the majority of Lincoln Countians when he said, "It's the dumbest idea anybody has come up with."

Like wildfire, a citizen movement sprang up in opposition to the plan. Board meetings were packed and the atmosphere hostile. School Board members eventually stopped answering questions about consolidation. Protesters who showed up for the August 9 meeting at which the Board was scheduled to vote on the plan were met out front by state troopers. "When I walked in that night and saw the state police, I

"A lot of little things were happening to get the
consolidation thing going again,"

knew how the vote was going to go," recalled protest leader Bryant Bowman.

The plan passed 3-2 on the votes of board members Keith "Hillbilly" Johnson, Richard Adkins and Bill Workman, all of whom had expressed opposition to consolidation when running for school board.

Bowman and others organized a group – Make a Difference (or MAD, as it was known) – to appeal the decision to the state Board of Education. Even School Board President Jerry Alford joined in the protest, writing the State Board, "To say the least, the proposal was prepared in haste and secrecy."

"The secrecy was one of the things everyone was so upset about," said one parent. "It's public dollars, public information, and yet they tried to completely circumvent the public. No one could really understand what the force was, what was the pressure to consolidate a rural, out-of-the-way county like Lincoln with four little high schools, numerous backways, side roads not big enough for two vehicles to pass."

The force, according to one parent, was as simple as it was apparent. "Politics. That's all it was. It was to pocket money. The money was going to come into that part of the county. That part of the county was going to grow. Several influential political people in the county own property there. If you're going to bus 2,800 kids into one school, you have to have infrastructure, you have to have housing, you have to have business, food. Just the whole area stood to really boom."

State Senator Lloyd Jackson played a key role in the move to consolidate schools, according to a protest leader who attended a meeting in the office of State Schools Superintendent Hank Marockie, which the senator also attended. "And Lloyd Jackson proceeds to direct Hank Marockie to lend Lincoln County all the assistance they need for the purposes of studying consolidation figures and facts and to help them work on any of the information they would need to look into consolidation."

To that citizen leader, it appeared that the pressure to consolidate Lincoln County's schools came from Lloyd Jackson down to Hank Marockie rather than from the state down to the county. "If you look at the whole picture, if you step back and look at all the facts together, it all weaves a nice little photograph of Mr. Stowers being reimbursed for his endorsement of Lloyd Jackson. It all paints that nice little picture."

Besieged by people from every corner of Lincoln County, the State Board voted not to accept the plan. Before the month was over, the three board members who voted for the plan were subpoenaed to appear before a federal grand jury in Parkersburg. *The Charleston Gazette* reported that Keith Johnson said prosecutors asked if he had taken money for his vote on the consolidation issue. Johnson said he hadn't, and no charges were filed.

That fall voters showed their contempt for the bosses when Lloyd Jackson failed to carry Lincoln County in his Senate race (which he won with votes from Logan and Boone counties) and Greg Stowers, son of Wylie, was defeated in a county commission race by Republican write-in candidate Doug Waldron. The election of a Republican to a county office for the first time in 40 years stunned the political establishment. Once more residents felt they had made clear their opposition to school consolidation, especially to a plan that would send all students to one school in the far corner of the county.

Just one month later, in December 1994, the School Building Authority voted to make Lincoln County's facilities plan a top priority. That, coupled with Lloyd Jackson being named chairman of the Senate Education Committee, convinced members of Make a Difference that their battle was far from over.

"A lot of little things were happening to get the consolidation thing going again," said one resident.

A report issued by the State Department of Education the following spring said Lincoln County students weren't getting the education they needed to succeed in college or to compete in the workplace. The study pointed to a lack of advanced courses and few foreign language and fine arts classes. It also noted that the county's Comprehensive Test of Basic Skills (CTBS) scores were the lowest in the state for 11th graders and only slightly better for third, sixth and ninth graders.

In the summer of 1995, residents again began to hear rumors about a one-school consolidation plan. By now the Make a Difference group was just one battalion in the army of citizens that began to meet and rally and attend board meetings under the anti-consolidation banner. Many of those who joined the fray did not oppose consolidation outright. What they opposed was a one-high school plan that seemed to promote the interest of a powerful elite rather than the best interests of the majority of the county's students.

Having learned little from the 1994 experience in which they drew up a plan in haste and presented it to the state without the benefit of extensive public input, the Lincoln County Board of Education again adopted a one-high school consolidation plan. And, again, the proposal was developed in secrecy and thrust on the public without warning. This time the school would be for high school students only, but the proposed site was not clearly defined. However, transportation studies indicated, and citizens assumed, that when it was finally revealed, the location again would be the West Hamlin farm down the road from Wylie Stowers' shopping center.

An official who did not support the consolidation described the board meeting at which the proposal was approved, "They obviously had a plan. You could see them looking at one another for the motion so they could second it. It had been scripted for them. At one time Hillbilly Johnson read, I know he read, from the script. It had been given to him to make sure he'd get the words right."

When they went to the State Board of Education to argue against the proposal, citizens were shocked about some of the information it contained. In support of the plan, Lincoln County officials claimed the longest bus ride from the Duval High School attendance area to Guyan Valley High School would take 70 minutes, according to an assistant superintendent of schools who had directed a trial run. The officials knew the time would be within a framework not considered excessive by the state.

But the times just could not be accurate, parents argued. "We asked him (the assistant superintendent) where those bus times came from," said a parent who attended the meeting. "He had a stack of bus times that tall, and we had tried to get them for months and months."

Another parent added, "We didn't know what was going on. But someone who lived on (Route) 214 made a comment about a school bus running that day, and she said they acted like they were going to a fire. They said that run took 70 minutes. It sure did. They didn't stop to pick up any kids. They didn't make simulated stops. They didn't obey the speed limits."

When the State Board delayed making a decision, a group of women interviewed bus drivers and drove the bus routes themselves, using the same data the board had claimed to use. "They said 30 seconds a stop so when we did our study, that's what we allowed," one committee member said.

"We drove routes at recommended speeds, and a school bus can't always do that," one said. "The run they said would take 70 minutes wasn't actually our longest. Everybody thought the longest run would be from Island Creek because that's over at Alum Creek. Woodville had some of the longest runs. Dogbone, I think, was two hours and 20 minutes one way."

Students from the Dogbone area were among those described by Ric MacDowell as the most impoverished students in the county, the students who were dropping out of high school in record numbers. They had attended Martin Elementary School until it was closed.

"I told the State Board of Education I would put my study up against our board's study any day, and I would stand by it, and they would find it was quite a lot more accurate than theirs was," the parent said.

Citing the overwhelming public disapproval, the State Board refused to accept the county plan and gave officials three weeks to meet with the public and come up with something all sides could agree on. One of the leaders of the citizen group said a state board member told him later that the delay was a cooling-off period, that state officials really didn't think a plan could be put together in three weeks.

But Lincoln County residents took up the challenge as a sacred cause. They formed committees and worked tirelessly with school officials, meeting almost nightly to develop a plan that all could live with.

A great deal of arm-twisting went on during that time. The night before the State Board was set to vote on the matter, Bryant Bowman received a call from Dr. Carolyn Arrington of the State Department of Education, who said a couple of State Board members wanted to talk to him that evening. Bowman said he would like to bring several other community leaders, but he was told no. The meeting was by invitation, and the invitation was for him only.

When he walked into the room, Bowman saw Dallas Kelley, Jerry Alford, Bill Workman, and Charles McCann from the Lincoln County school system; Dr. Arrington from the State Department of Education; Senator Lloyd Jackson and Lyle Stowers, son of Wylie, representing the Lincoln County political world; and two members of the State Board of Education. Hoss Farley, from the Harts area, was the only other community member invited to the meeting. Charleston attorney Mike Carey, who was representing some parents in Harts, also was in attendance.

"They called us there for the sole purpose of selling us the one-school idea," Bowman said. The meeting, which started at 7 p.m., lasted until after 11. "Somewhere around 8:30 or 9 o'clock, Lloyd became agitated," Bowman recalled. "And he turned to me and said, 'You're just going to have to realize that the best thing for the students in Harts is to go to Logan County, the best thing for the students in the Alum Creek area is to go to Kanawha County and build a school for the rest of the county.'"

The suggestion angered Bowman, an engineer who was born and raised in Lincoln County and had chosen to remain in the county and raise his own sons there.

"I leaned forward, and I said, 'Lloyd, your family has run the county for 40 years and we've cut our trees and hauled them out, and we don't have a sawmill, a large sawmill. We've drilled oil and gas wells, and we've piped the gas out and trucked the oil out, and we don't even have a small refinery. What little bit of coal we've got, we've stripped it, and we don't have a coal cleaning facility, and now you want to export the kids."

Bowman stopped and hit the table with both fists. "We're not going to export the kids. Build the two schools, and let *them* come here."

Bowman said McCann then proposed spending $3 million to upgrade Harts High School and build one school for the rest of the county. No one agreed to accept the proposition, but Bowman wondered where McCann got the authorization to make the offer and where the money would come from.

Two hours later Alford made the proposal that Lincoln County pass a bond and build two high schools with locations to be decided by the committee that had been working on the consolidation issue.

The next morning Marockie announced to a packed meeting the vote on the Lincoln County issue would be held over until a later date. Bowman and other members of the committee went to the State School Building Authority meeting, where he said the SBA had been presented with a resolution to do nothing in Lincoln County for another year or two.

Bowman was invited to speak. He found himself becoming emotional as he pleaded his case, "We've worked on this for two years, and you have a sheet of paper here destroying everything we've done. This has got to come to some kind of resolution. It's got to be done now because the kids are being done wrong here," he said.

A very exhausting hour later, the School Building Authority agreed to give Lincoln County $2 million out of the previous year's funds and said if the county passed the bond, the two schools would be built simultaneously.

The two high school plan was reminiscent of the earlier plan which voters had opposed. By this time, however, a majority of those who had been on the front lines of the battle against consolidation realized they had no chance of maintaining four high schools. With tremendous energy, the committee continued its work, locating sites for the two schools and preparing for a bond election which would be held in conjunction with the 1996 primary election the following spring.

Bowman and Farley announced plans to run for the two vacant seats on the Lincoln County Board of Education as they campaigned for the bond. Tired of fighting the consolidation battle, Alford had decided not to seek another term. Incumbent Keith Johnson also decided not to run, doubtless realizing he couldn't win given his support for the one-school plan.

The Stowers faction threw its support behind two newcomers – Kim McCoy and Billie Frye. The women went door-to-door campaigning. Their platform was simple. They stood for four county high schools and they stood against the bond.

"They (the politicians) started doing a lot of writing that Hoss and I were the consolidation people," explained Bowman. "We were the ones that had fought it, and they were the ones that wanted to consolidate. But they put us in a corner. And it was smart on their part."

The strategy worked especially well in the Harts area, where residents desperately wanted to keep their small high school, both for transportation and safety reasons and for socioeconomic reasons.

Many Harts residents were not pleased with the proposed location of the school that would combine Harts and Guyan Valley, feeling their children would still be forced to travel dangerous sections of roads to get to school. But also the community was passionately involved with its school. The staffs of Harts High School and its feeder elementary schools had worked hard to develop and nurture community involvement. They felt they would lose more than a school if forced to consolidate.

Bowman, Farley and the bond were soundly trounced. Those who had worked so hard for two years, who had compromised and had played by all the rules, could not comprehend what had happened to them.

"We've got a county here that they've been in control of for 40 years and we rank dead last in test scores," Bowman mused. "Our students graduate from our high schools on the same level or lower than the students in the Delta in Mississippi. If they were so concerned about education all of a sudden, why did we spend 40 years languishing like we have?

"They didn't do it at all for the children. They don't care about the children. It's the power and control. I think they probably would have settled for two schools had *they* been able to do it, but when the people got involved, they had to defeat it. And, meanwhile, the little first grader starting elementary school here in this county will graduate in twelve years unable to compete with kids that live just across the county line. That's the sad part."

The failure of the bond threw a giant roadblock into the plans of the Lincoln County Board of Education and the State Department of Education to consolidate the county's high schools. Without the construction of new facilities, there was no way the four high schools could be merged. So Lincoln County officials, facing a $900,000 deficit and under pressure from the state to trim expenses, turned their attention to elementary schools.

In early 1997 Superintendent Dallas Kelley abruptly retired. In the next few weeks Acting Superintendent Donna Martin recommended closing the McCorkle Early Education Center, together with Woodville, Pleasant View and Branchland Elementary schools. The move, which would all but erase the county's deficit, was approved by the board of education even though existing schools did not have enough space for the additional students, and even though some students from the Martin area would have to endure bus rides of an hour and a half one way each day.

At the same time the closures were proposed, the Board of Education announced it would seek funds from the School Building Authority to build a 16-room "state of the art" addition to West Hamlin Elementary School. The county also received an assurance from the School Building Authority that it would receive funds to build four additional classrooms at Midway Elementary.

As parent opposition sprang up, Lincoln County officials postponed plans to close Branchland and Pleasant View so the communities along the Guyan River would be able to keep their schools until the new addition was completed at West Hamlin. No such postponement was offered to residents of the Midway and Woodville attendance areas – where opposition to county politicians was strongest.

The county had hired a new superintendent, Rick Powell, an administrative nomad who had most recently presided over school closings in Fayette County. Powell said he was confident the four new classrooms at Midway would be ready by the beginning of the 1997-98 school year even though construction had not begun when school dismissed in June 1997. But, if by chance, the addition wasn't ready, the schools could be merged when the rooms were completed, he said.

Powell responded to every concern of faculty and parents with the assurance that what Lincoln County was planning had been done before in other places. He didn't answer charges that it would be educationally irresponsible to move a school full of children into another school at Thanksgiving with teachers changing assignments and children having to adjust to new teachers at midyear. He merely insisted that it had been done before.

And that, said parents, was why Rick Powell was brought to Lincoln County – to make sure schools were consolidated once and for all. "One of the parents said it to him," a teacher recounted. "She said, we know why you're here, you're here to consolidate schools."

The teacher added, "People like him, even if they are interested in education, their job is political. If you've taught at a school any time, you know what's best for the kids. When you get out of the classroom, you kind of lose interest, it seems like."

Woodville parents protested vigorously, even taking the matter to court. But their efforts were in vain. They were for the most part low-income people, and the school was small. The crowds that turned out to protest merging the high schools could pack a board meeting. Not so with the supporters of small elementary schools.

As the end of the school year approached, however, and after meeting with the faculties of the affected schools, Powell did a partial about-face. Plans were revised so that the McCorkle Center would remain open until the addition was completed, but Woodville students would be moved into Midway at the beginning of the school year to make the transition run more smoothly.

If the new rooms were not completed in time for the beginning of the school year, teachers and students would have to double up, said Powell, who when questioned about the problems of overcrowding, simply repeated his mantra. It had been done other places.

photo: Beth Spence

"They deserve a quality education in an environment where they want to learn."

Children who would attend the newly merged school in the fall faced two first grade classes of 25 students each and a second grade class with two teachers and 29 children in a room that had contained 17 youngsters the year before. Many of those children were at-risk, coming from very low-income families, and those most at-risk had to travel the greatest distance to get to the school. The school's computer lab, assembled just the year before, had to be taken apart, returning computers to the already overcrowded classrooms.

The faculties of the schools begged that the merger be postponed for another year, until the construction was completed. This position was endorsed by the county's curriculum supervisor, who wrote a letter to the superintendent voicing his concerns. The recommendations were ignored.

"If the School Board and County Administration had tried to figure out a plan that would be the most harmful from an educational standpoint, I don't think they could have come up with a better one than this," said a teacher involved in the merger. "If they bring children over here in the middle of the year, and a lot of us have to change teaching assignments, it will probably mean the children will lose a year.

"If they merge the schools before the new rooms are completed, it will just be chaos – crowding too many people into too small a space. Anyone who knows anything about education can see that it will be almost impossible to teach or to learn in this kind of environment."

"I don't think they really had a plan," said another educator. "I'm pretty sure they intended all along to close McCorkle and move the kids to Midway, but with the budget crunch, they started talking about closing the schools on the Guyan River (Branchland and Pleasant View). Then, for some reason, they just threw in Woodville. I don't think they had really thought through how they would house the students."

Incredibly, little was done to ready Midway for the major increase in enrollment. Two weeks before school was to start, construction had not even begun on the promised addition and the principal and teaching staff were left with the task of moving rooms and trying to prepare for the addition of more than 100 students. Maintenance people hustled to section off part of the upstairs hallway to create space for two Title I teachers. Equipment and supplies lined the hallways because there was no room for storage.

Parents appealed to the State Board of Education, complaining about crowded classrooms, filthy restrooms, long bus rides and computers that hadn't been hooked up. "Give our children what they deserve," pleaded one parent. "They deserve a quality education in an environment where they want to learn."

Another parent, who joined a picket line thrown up at the school to protest conditions, said, "People think we're ignorant and we don't know what we want. But we just want what's best for our kids."

Exhausted and overwhelmed before the children even arrived, seeing their concern mirrored in the faces of parents, teachers vented their frustration.

"This is an impossible situation," said Betty Jones, who was assigned to teach second grade in the same room with 29 children and another teacher she had not even met before the school year began. "The kids are going to be sitting shoulder to shoulder, and there's nowhere to put coats or book bags."

Even Powell admitted the situation was not ideal. "It's not the most desirable, but it's the least of the two dilemmas," he told a reporter for *The Charleston Gazette*. "I could not have a third-grade student changing teachers mid-year."

But for Betty Jones, the situation became one of being not able to teach at all. "It has to do with what I believe learning is all about. I believe children learn best by doing things," she said. "That's why my teaching involved a lot of hands-on activities. Children would bring in frogs and we would create a terrarium. We would raise meal worms and feed them to the frog. We would find books about frogs and read about them and learn everything we could. They brought in frog eggs and we watched them hatch into tadpoles and turn into frogs. We shared the wonder of caterpillars turning into butterflies, and we read books, fiction and nonfiction, about them.

"I had a rocking chair in the front of the room where we read books to each other with the reader sitting in the rocking chair. I had a stove in the room, and we cooked. If we studied pumpkins, we roasted pumpkin seeds. If we studied apples, we made applesauce or apple pies. When we read the book, *Chicken Soup with Rice*, we made chicken soup with rice. We made books and wrote a monthly newsletter. Our room was full of activities.

"When we had to put the computers back in the room and pack in 29 children plus another teacher, there was no space for activities. I had to take out the rocking chair and the stove and the science table. Then I realized I had to take myself out because I couldn't teach with the children confined to spaces so small that all they could do was look at me and fill out worksheets. Talk about killing an atmosphere where learning could be exciting and fun and relevant – that really did it."

Even before children came back to school for the 1997-98 year, Mrs. Jones had come to the sad realization she couldn't teach under the circumstances and she told her principal she would retire so that the children could start fresh with a new teacher. He pleaded with her to reconsider and promised to work things out. But he didn't take action, and just before the end of the first month of school, Lincoln County lost one of its best teachers. Betty Jones retired after more than 30 years in the classroom. It wasn't something she had planned to do, but she felt that if she couldn't teach, she wouldn't take a salary.

She was not the only loss. For decades Lillian Clay had earned the respect of educators like Ric MacDowell for her efforts at Martin School, the school in the community of Lincoln County where she lived. Mrs. Clay, who decried consolidation and who had started her teaching career at the one-room Berry Branch School, moved with her children from Martin to Woodville. She saw the writing on the wall for Woodville, but still hoped against hope she would be able to retire before she had to endure another school closing. She didn't quite make it. Lillian Clay spent a month at Midway before reaching retirement age.

By Thanksgiving, the other teacher in the second grade classroom also had opted for retirement. The teacher who had replaced Betty Jones took a position at another school for second semester. By February, one very large class of second-graders at Midway Elementary School had had five different teachers.

In mid-March, the Board of Education closed the McCorkle Early Education Center, moved the kindergarten students to Midway and at last split up the class of second graders.

Simply by keeping Woodville open until the classrooms were ready, Rick Powell could have avoided the entire chaotic charade that passed for education at Midway Elementary in the fall of 1997. An editorial in *The Charleston Gazette* noted, "Lincoln County parents are notoriously leery of consolidation. Fiascoes like this certainly won't help change their attitude."

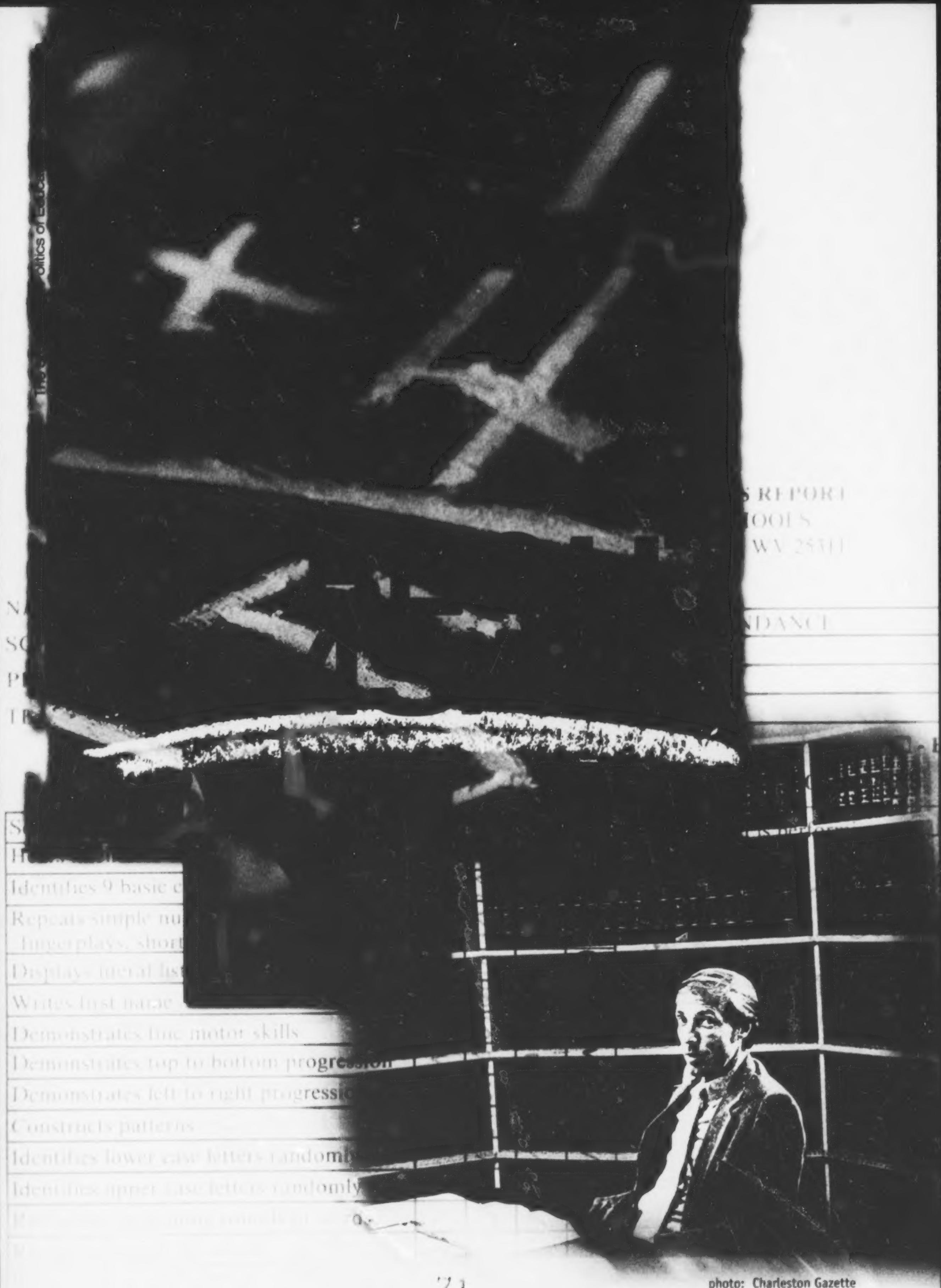
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photo: Charleston Gazette

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Disgusted by the failure of the Legislature to fully implement the Recht Decision after twelve long years and frustrated after watching Kentucky reconstruct its education system in just five years, Dan Hedges in December 1994 petitioned the Kanawha Circuit Court to reopen the Pauley vs. Bailey case.

By this time some of the characters in the long court drama were missing and others, in the case of the defendants, had been altered by elections and retirements. Arthur Recht, having been appointed by Gov. Caperton to complete an unexpired term on the State Supreme Court of Appeals, was no longer the judge in the case. Janet Pauley, nursing a terminally ill husband and upset because she had seen only consolidation come out of the case bearing her name, told Hedges she no longer wanted to be a party to the suit. Her sons had long since finished school, all but one had left the state, and she no longer was able to carry on the fight. And this time State Treasurer Larrie Bailey – the Bailey of Pauley versus Bailey – jumped sides to become a plaintiff in the suit.

Added as defendants were then Speaker of the House Chuck Chambers, Senate President Earl Ray Tomblin, and Gov. Gaston Caperton. The Legislature and State Department of Education tried to have themselves removed from the suit by arguing that they had improved education, increased teachers' salaries and raised educational standards. They also noted that the state gives 55 percent of its budget to education. The arguments failed to sway retired Cabell County Circuit Judge Dan Robinson, to whom the case had been handed.

Maintaining that the state had failed miserably to implement the Recht Decision, Hedges called for the immediate appointment of a special master to oversee the implementation of the Master Plan, as Judge Recht had initially recommended.

Hedges, no longer young, mused about what had happened with the case during the twelve years between Recht's ruling and his decision to reopen. While falling short of admitting he had made a mistake in giving tacit approval to the request to put the State Department in charge of developing the Master Plan, Hedges made it clear he had second thoughts. "Naming a special master would have kept the public eye on the result that was needed," he said. "I think the failure to have one probably allowed the issue to escape more public scrutiny."

In his brief, Hedges argued that the Recht Decision found that "the inadequacies and inequalities in educational offerings in West Virginia are directly produced by the inadequacies and inequalities in the level of educational resources and expenditures among counties" and that to provide a thorough and efficient education system "the funding of all direct and indirect costs of the high quality education. . . must be fully included in the state financing system."

He charged that in the more than twelve years that had elapsed since Recht's decision, the state had ignored many of the reforms mandated by the court and the Master Plan.

"As was the case when the Circuit Court order (Recht Decision) was issued, the state's failure to adequately finance public education prevents many counties from providing educational programs necessary to meet the standards of a thorough and efficient system of education," he said in his brief.

Hedges called the state education financing structure "constitutionally deficient." He attacked the school aid formula, saying it reimbursed counties for only a portion of their instructional personnel and was arbitrary and not driven by a county's educational needs. He pointed out that it especially ignored the needs of smaller schools which may have a greater need for principals and administrators.

The limitation on service personnel, he said, does not reflect the varying needs of counties, particularly those counties with poor roads, greater distances between schools and a higher percentage of special needs students.

Hedges said the formula failed to reimburse counties for fixed charges, including Social Security and Workers' Compensation contributions. He noted that the formula inadequately funds school bus replacement and does not account for differences in terrain, road conditions or population density.

The defendants argued that the Legislature had fulfilled its duty to establish a thorough and efficient system of free schools and it was the duty of the court to determine whether the system established by Legislative action meets the constitutional definition.

They noted that in the years since the Recht Decision the Legislature had :

- *increased education's share of the total general revenue from 45.9 percent in 1979-80 to 56.5 percent in 1995-96.*
- *increased the pay of teachers and service personnel.*
- *created and funded the School Building Authority with an appropriation of $7 million from the general revenue fund to allow for the sale of $70 million in bonds and another $70 million to purchase computers.*
- *increased the authority and power of the State Board of Education.*
- *mandated the State Board to develop a plan to get computers in every classroom.*
- *contributed to the teacher retirement fund.*
- *provided a mechanism for a uniform and correct statewide property valuation.*
- *established a scholarship program to attract top students into teaching.*
- *dedicated portions of state lottery revenue to redeem bonds sold by the School Building Authority.*

Robinson spent more than two and a half years toiling over the arguments before issuing a decision in April 1997. By this time Gaston Caperton had been succeeded as governor by Republican Cecil Underwood and House Speaker Chambers had retired (later to be named to the federal bench), replaced by Robert Kiss.

When the decision finally came, it was a resounding affirmation of Arthur Recht's opinion. Citing Recht's decision and cases which came after *Pauley versus Bailey*, Robinson wrote, "It is now abundantly clear and has been since the 4th day of March 1983, that children of all races in this state have been constitutionally entitled to a thorough and efficient system of education."

The judge gave the Legislature one year – until March 16, 1998 – to decide how it would remedy school funding. At that time, if lawmakers hadn't taken significant action, Robinson said he would again consider appointing a special master or commissioner to implement the decision.

"Since May of 1982, no one can deny that the Legislature has enacted many programs and statutes pertaining to education, and if the programs and statutes enacted define the Legislature's concept of a thorough and efficient system of schools, they are in error," the judge wrote.

Robinson pointed out that the executive and legislative branches of government are political in nature and "if they enact certain programs and statutes pertaining to education which they believe comply with a thorough and efficient system of free schools, and there are no serious complaints, they are not likely to be concerned or feel a need to make any major changes.

"On the other hand, (with) 56.57 percent of the total general revenues and $300 million in bond money with $300 million more to be used by the School Building Authority, plus the monies spent by the 55 counties, there may not be anyone who wants to complain."

Almost all news reports announcing the decision included the following comment from the judge, "You would think that sometime or other during the last fourteen years, the parents of the children in the areas who were not receiving their constitutional rights would be picketing on the Capitol steps demanding that something be done. This hasn't happened."

The assumption by those who have not read the complete opinion might be that Judge Robinson was laying the complete blame for failure to implement the Recht Decision – or at least the failure to complain vigorously about the lack of implementation – at the feet of the most powerless citizens, the parents of low-income school children.

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But, in fact, the judge spread the blame around to just about everyone who might have been in a position to do anything to make the implementation occur. His comment continues:

"You would think that the members of the local boards of education in the affected areas would be complaining to their elected representatives and the State Board of Education. This hasn't happened.

"You would think that the elected officials of the affected areas would be complaining to the President of the State Senate and the Speaker of the House of Delegates. This hasn't happened.

"You would think that the members of the State Board of Education and the Superintendent of Schools, both of whom helped formulate the so-called "Master Plan," would be demanding that the Legislature and the executive branches of government comply with the constitutional requirement. This hasn't happened.

"You would have thought that the governor would have taken advantage of the opportunity to expand on his views of the Master Plan. That didn't happen.

"You would have thought that the editorial writers of the news media would have had a field day pointing out the shortcomings of our elected officials and appointed officials in regard to the education of our children. That hasn't happened. Only Mr. Hedges, whistling in the wind."

The judge cited Hedges' arguments that the legislative and executive branches of government had not complied with the court's order on financing the school system, and made note of the specific areas in which Hedges found non-compliance: the allowance for professional educators; the allowance for service personnel; the allowance for fixed charges; the allowance for transportation costs; the allowance for administrative costs; the allowance for other current expenses and substitute employees; the allowance to improve instructional programs.

"The plaintiffs' main objection to the above statutes is that they fail to finance the 55 counties equally as to their individual needs, thereby making many counties unable to provide educational programs necessary to meet the standards of a thorough and efficient system of education," Robinson wrote.

In reiterating the plaintiff's arguments, the judge demonstrated his understanding of the policy of "economies of scale." "One example given by the plaintiffs was that the Legislature reduced the ratio from which they would fund the professional educators from 55 per 1,000 to 53.5 per 1,000, which resulted in a loss of over 1,000 professionals (allegedly in order to give pay raises to the remaining professionals) which had the effect of schools not being able to fund all of the professionals they needed to provide a comprehensive program that was called for in the standards for a high-quality education. Although all counties are hurt by this action, the smaller counties are hurt more, because they do not benefit from the economies of scale that the others do."

Judge Robinson agreed with Hedges that the foundation allowance (or school aid formula) for professional educators, service personnel, fixed charges, transportation, current expenses and substitute employees and the allowance to improve instructional programs "all violate the equal protection requirements of the West Virginia Constitution."

He further found that the defendants and the state of West Virginia "could not and did not demonstrate any compelling state interest to justify the unequal classification in the lack of uniformity in the State's educational financing system."

The judge denied Hedges' request for a specific time-table for implementation, but he said the court would continue jurisdiction over the case until "full implementation of the master plan is accomplished."

He offered the opinion that it should be easy for the Legislature to correct the problems if they would use the Master Plan as a guide.

Not everyone agreed. State Schools Superintendent Hank Marockie complained that times and schools had changed in the years since Arthur Recht issued his decision.

"It used to be a school would be interpreted to be a good school if it had so many teachers, so many library books, x, y, z," Marockie told *The Charleston Gazette*. "The focus of schools in West Virginia and the country has been away from inputs and over to the results of what students do when they're in schools.

"It becomes more difficult to interpret what this decision says because of the different frame in which schools are now working," he said. "We're looking at results." But, he added, "I'm convinced the leadership exists to come to the table and work together and develop a plan that would be acceptable to the judge."

Deirdre Purdy pointed out that the Master Plan developed by the State Department of Education was to have been updated every four years. Not only was the plan not updated, she said, a specific time frame was never developed for its implementation, despite Judge Recht's requirement that a thorough and efficient system of free public schools be "available at the earliest practicable time."

As in 1982, the response from the Legislature was less than enthusiastic. Senate Finance chairman Oshel Craigo pointed out that West Virginians already contribute more than half of the state budget to education."I don't know how they can put more in," he said."I don't know how we can ask them to make a stronger commitment."

Senate Education Chairman Lloyd Jackson responded in politic-speak: "We have made huge strides in education and certainly we have legislation in place to continue that progress, but I view the decision as an opportunity to review how we can assure both equal and adequate funding of education in West Virginia."

While applauding Judge Robinson's decision to force implementation, Linda Martin took special offense at his suggestion that parents should have been doing more to make sure the reforms of the Recht Decision came to pass.

"Parents have been taking action since Janet Pauley went to that PTA meeting at McCorkle Elementary School," she said. "The original suit was brought by parents concerned about inequalities at schools. Our group, The West Virginia Education Project, tried to get involved on an official level, but the court denied our petition to become a party to the suit.

"Since the Recht Decision began to be implemented, parents have been involved. We have heard them cry out against the loss of their physical education teachers and music and art teachers. They have mortgaged their homes to pay lawyers to save their local schools. They have come to the State Department and they have come to the State Board of Education time and time again to express their feelings about the changes that were occurring. I'm not talking about just Lincoln County. I'm talking about parents across this state.

"But they have been ignored. Their local school boards have ignored them. The State Department has ignored them. The Legislature has ignored them. The only tangible result they have seen from the years of effort is that more and more of their community schools are gone – and the education their children are receiving is no better than it was when all of this started."

Hedges' response was understated. "I just hope that implementation comes quickly for the benefit of students. No county has a system that totally meets the constitutional requirement," he said. "I hope it means change for school kids in West Virginia. You have to be sympathetic with the difficult situation the legislators face in having to fund the number one priority of the state. We have limited resources and all the other needs out there.

But, he insisted, "education is the most important function state government has. This needs to be done."

When politicians speak of successes in the education reform movement, one of the first things they cite is West Virginia's Basic Skills Initiative –

or, "the governor's computers," as the program is commonly known. This was the program which promised to take computers into every classroom in the state of West Virginia.

In an article for a newsletter published by the Governor's Cabinet on Families and Children in early 1997, Gov. Gaston Caperton wrote, "We have dramatically improved our public schools. We installed more than 18,000 computer workstations in kindergarten and elementary classrooms to improve students' basic skills."

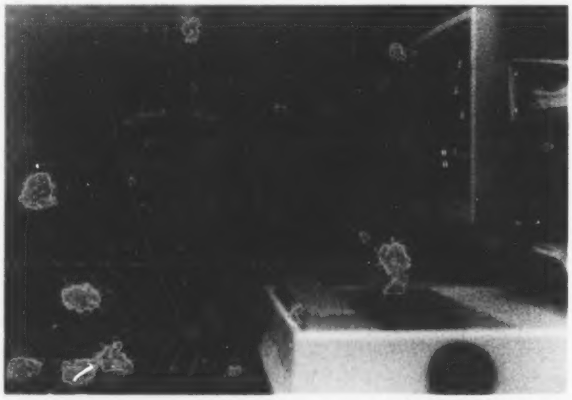
photo: Beth Spence

When President Bill Clinton visited Clarksburg in May 1997, he was taken to Robert C. Byrd High School, which boasts of a lab where students work with "virtual reality" technology involving high-powered computers and three-dimensional graphics. At Robert C. Byrd, which was opened in 1996, approximately $2 million was spent on technology, and every classroom is connected to the Internet.

In 1989 the state entered into a ten-year agreement with IBM to supply computers to schools for grades one through six. In exchange, according to *The Charleston Gazette*, IBM would spend $2 million on a public relations campaign to help "West Virginia become a national role model for education."

The computers have put West Virginia on the education map nationally, but are they really what people think they are? Educators say no, and others who have investigated the purchasing practices don't think taxpayers are getting much technology for the more than $50 million that has been poured into the hardware and software.

While legislation authorizing the classroom computer program states that children will be expected to master "basic computer skills such as word processing, spreadsheets, data bases, Internet usage, telecommunications and graphic presentations," a vast majority of computers currently in classrooms lack the capability to perform those tasks.

As early as 1991, teachers complained that the computers that were coming into the classroom were obsolete, and Attorney General Darrell McGraw brought an unsuccessful suit attempting to invalidate the IBM contract.

Marockie argued that the contract is a 10-year "program" with an annual renewal clause, which the state has never chosen to rebid. He said standardizing the computers and software and buying on the state level saves money because the state can buy in volume. He defended the decision to buy on the state level, saying, "If we can save $800 a machine, it would appear to me to be a waste of money to have local people buy machines."

A furor broke out in 1996 as Marockie prepared another ten-year contract to put the computers in grades seven through 12. Editorialized the *Gazette*, "West Virginia's computer program is at best mediocre, and by some measures, it is the worst in the nation. The ten-year contract with IBM and Jostens (for software programs) has led, as we warned in 1993, to obsolete computers in the state's grade schools."

The Charleston Daily Mail pointed out in an editorial that computer prices have fallen too quickly to justify a ten-year contract. The editorial cited examples from the *Wall Street Journal*, which showed a 47 percent drop in the prices of Compaq PCs during the previous year and a 39 percent drop in the prices of AST and Gateway computers.

The Journal quoted an analyst for Dataquest, Inc., as saying that the price slashing was historic for the 20-year-old computer industry and that microprocessor performance was improving more rapidly than ever before.

The *Daily Mail's* editorial concluded, "West Virginia should not obligate school systems to pay yesterday's prices for yesterday's technology. With state buying power, schools should pay less and get more. A ten-year contract isn't in the state's best interest."

There's nothing to it. The kids have to have 90 minutes on the computers, so we're tied and limited as to what we can do. They really do get bored."

Quality Education Data, an independent Denver research firm, ranked the state 21st in the number of students per computer (one machine for every 9.9 students) but dead last in the ratio of pupils with access to multimedia and Internet-capable computers (one for every 81.6 students as compared to the national average of one computer for every 35 students).

Marockie countered the criticism with a newspaper commentary insisting that the school computer program is a huge success and arguing that paying higher prices for computers was a responsible investment because it was a "turnkey" program that offered delivery, installation, training and support for teachers.

He noted that Caperton had received the "1996 Computerworld Smithsonian Technology Leadership Award for education for his efforts in putting technology in schools."

The proof of the program's success could be found in the classroom, the superintendent said. "There is no greater testimonial to the success of the Basic Skills/Computer Education program than to view the children in action. When school resumes this fall, call your local school and stop by to see why educators, administrators, parents and children alike are excited about technology in West Virginia," he said.

But even Marockie did not contradict reports stating that most of the computers bought through the West Virginia's Basic Skills Initiatives program have processors that are too slow and primitive for the exciting and interactive educational software that is available today.

"What we have are electronic worksheets," said a teacher who was on the committee to select the software for Lincoln County Schools.

Along with teachers from across the state, she went to the Charleston Civic Center, where she was shown fascinating computer programs on multi-media computers. "There were all kinds of programs and encyclopedias. They had motion pictures. You could see volcanoes erupting, you could hear Martin Luther King make his famous dream speech. But when our computers came, they didn't have that capability. And our software just did math and reading lessons."

Another elementary teacher added, "They teach people how to be little parrots, how to call up the programs, follow the directions. There's nothing to it. The kids have to have 90 minutes on the computers, so we're tied and limited as to what we can do. They really do get bored."

Another thing teachers have complained about is that there never were as many computers in classrooms as state leaders would have people believe.

"I would hear the state superintendent say all the first grades and all the second grades in the state have computers, and I would say, 'Wait, I don't have my computers yet. I teach second grade,'" said one teacher. "I finally got my last one (during the 1995-96 school year) when they were saying that all elementary classrooms have computers."

Another teacher said, "Marockie keeps saying they're ready to go into the junior highs. Well, this year (1995-96) our fourth graders got three computers, and there are supposed to be at least four in every classroom. I read in the paper that Kanawha County was farther behind than any other school system in buying computers. It said they just got them in their fourth grades this year. Well, that's all we've got them in."

It was not until 1997 that one Lincoln County elementary school finally got a computer that was multi-media and capable of accessing the Internet – one computer for the entire school.

By that time, two teachers at the schools had managed to have computers with greater capabilities donated to them. "The one I was given has a CD-Rom, so the children can use an encyclopedia," one teacher said. "And I have a dictionary and other educational programs which are interactive – the children can take the programs where they want to go – and it has games. They are really excited when they use that computer.

"A lot of people don't understand why the kids don't like computers," the teacher said. "Well, I can understand why our kids don't like working on the governor's computers, because it's just like doing a worksheet in a workbook. It's boring.

"A lot of people don't understand why the kids don't like computers," the teacher said. "Well, I can understand why our kids don't like working on the governor's computers, because it's just like doing a worksheet in a workbook. It's boring. All they have to do is type their name in and press enter and then the lesson is up there and they just click on an answer. It's like filling in a bubble on a worksheet. It's not interactive at all."

A Lincoln County official said when Hank Marockie talks about computers, he's speaking in a different language from that used by most people who are computer-literate. "He's not talking computers like you can just go out to the store and buy," the official said.

"Places like Sam's Wholesale always stay a little behind the state of the art and buy in volume and then sell cheaper," the official said. "So if you want a good price on yesterday's state of the art, go to Sam's. You can go to Sam's Wholesale and buy the cheapest unit they've got, the most outdated unit, and it's far superior to what Marockie's wanting to buy."

The official said that IBM had a huge over-supply of computers in 1990 and 91, and the corporation underestimated how fast the technology would advance. "The competition got a couple of steps ahead of them and they ended up with outdated computers still sitting in the warehouse and no market for them. And they dumped them on West Virginia. I think there were two or three other states that bought them in volume and really overpaid tremendously."

The official is baffled by the state's decision to buy the outdated computers. "They knew what the technology was, what it could do, they knew prices. Yet their leader went and bought stuff that was completely out of date the day he signed the contract, and he bound us up in this so-called ten-year contract, and he's keeping us behind the state of the art.

"You can go out and buy yourself a pentium processor with a CD-Rom for about $1,500, $1,300. Could you imagine what you could buy that for if you bought 10,000 of them on one purchase order?"

Meanwhile, facing the deadline imposed by Judge Robinson in his decision, Gov. Cecil Underwood in June 1997 appointed a 21-member commission charged with coming up with a fiscally responsible method of making public school funding more equitable. The committee – very male, very white, very middle-aged and very politically connected – included many of the same people who have been making state education policy for the past decade, including State Sen. Lloyd Jackson and State Schools Superintendent Hank Marockie.

Other members of the committee were retired Marion County businessman Ben Hayes; Kanawha County lawyer Michael Albert; Wood County Delegate E.W. Anderson; Senate Minority Leader Jack Buckley (R-

Kanawha); Tax and Revenue Secretary Robin Capehart; Senate Finance Chairman Oshel Craigo (D-Putnam); former Del. George Farley (Wood County); acting secretary of Education and the Arts David Ice; Raleigh County businessman John Johnson; former Del. Robert Lindsay (Brooke County); State Board of Education member James MacCallum (Boone County); State Board member Cleo Mathews, Summers County; West Virginia Retailers Association president Paul McKown; House Education chairman Jerry Mezzatesta (Hampshire County); House Finance chairman Harold Michael; Jefferson County Development Authority president Jane Peters; former administration secretary Chuck Polan (Cabell County); retired Wood County schools superintendent William Staats; and administration secretary James Teets (Preston County).

"I hope you won't be afraid to challenge the status quo, if you find it needs to be challenged," the governor told members of the commission at their first meeting.

Many observers felt that if Underwood truly wanted change, he certainly had named the wrong people to the Commission. Columnist Tom Miller, a native of Lincoln County, suggested that the flaw with the committee was that it had "too many legislators and state officials and too few parents without preconceived ideas of how to proceed."

By August 1997, the Commission appeared to be floundering. Distancing themselves completely from the poverty-stricken school districts they were charged with helping, members met at the posh Greenbrier resort. The chairman of the Finance and Equity Subcommittee admitted to a reporter for *The Charleston Gazette* that the subcommittee's meetings to that point had been primarily informational. "It's been orientation and getting a whole bunch of statistics," said Robert Lindsey, a retired superintendent of Brooke County schools.

With a December deadline pressing down on them, Commission members in November began to examine a report prepared by the Council of State Governments on reforming school finance, which examined how other states had complied with court mandates similar to that imposed on West Virginia.

Among the Council's recommendations were a broad-based tax system to support schools, rather than a reliance on property taxes. Those taxes might include a statewide levy, which had been twice rejected by West Virginia voters, state level collection of industrial and commercial property taxes and the use of income and sales taxes for educational support. Other recommendations included revision of the funding formula with more flexibility at the local level, linking funding to student performance and greater academic accountability with testing standards for students and performance evaluations of teachers and administrators.

At the conclusion of two days of meetings in November, the group still didn't have a draft of a plan, but chairman Benjamin Hayes said he wasn't disappointed. "We've zeroed in on the issues at last," he said.

On December 18 – 17 days after its deadline – the Commission released a 75-page report which called for educational audits of public schools, adding instructional days to the school calendar and cutting the number of days for faculty senate meetings. Significantly, the Commission bailed out on the most important question it faced – how to provide financial equity for the state's schools. The question of how to pay for public schools was left to another gubernatorial panel, this one charged with examining fair taxation.

The Commission did suggest that if the gubernatorial panel on fair taxes, whose report was due later in 1998, wasn't able to come up with a method of funding schools that is not reliant on property taxes, then the Commission recommends resurrecting the statewide levy, the measure twice defeated by the voters of West Virginia.

Noting that the school financing system based on property values and county excess levies "remains a concern," Hayes said in his introduction to the report, "The Commission believes the prudent approach to solving the excess levy inequities is to await the conclusions of the Governor's Commission on Fair Taxation on alternative funding sources for public education before once again attempting to secure passage of statewide excess levy."

The proposal to create an Office of Education Performance Audits recommended that the office operate under the direction of the State Board of Education, independent of the State Department of Education and the State Superintendent of Schools.

The office would be charged with, among other things:

- reviewing all current assessment tools, including student achievement tests and measurements of school and county system performance, and recommend changes.

- reviewing accountability measures, such as accreditation and personnel evaluation systems and recommend changes.

- administering the accreditation process for schools and school systems.

- determining the needs of schools and school in meeting standards established by the Legislature and State Board of Education.

- determining whether state-wide deficiencies exist and reporting those deficiencies to the board

While Chairman Hayes and Senator Jackson had high praise for the proposal to create the Office of Education Performance Audits, an official with the West Virginia Education Association complained that the creation of the office did little to help schools improve. "It's easy to say, 'We want children to reach this level,'" said Robert Morgenstern, the teacher association's lobbyist. "They haven't provided the resources to get the children up to that level."

Dan Hedges also wasn't impressed with the Commission's recommendations. "It is the resources . . . and not the outcomes by which the constitutional adequacy of a school system must be measured," he said in a petition renewing his request for the appointment of a commissioner to oversee the implementation of the Recht decision.

Jackson argued that "that word 'resources' is code for 'spend more money.' Our plan focuses on student performance and targeting our scarce resources to the areas where they're needed," he said. "We don't want to just throw money at the thing."

The other person who was incensed about the proposed auditing system was Superintendent Marockie, who cast the only vote against the Commission's report.

But Marockie said his opposition to the report was not because the team of auditors would report directly to the State School Board, bypassing his office and thereby putting a check on his power. Rather, he said, it was the result of the group's failure to incorporate a detailed funding plan into its report. The superintendent said the options of waiting for the tax fairness panel to recommend an alternative to property taxes or replacing county levies with a statewide levy did not address concerns raised at public meetings.

No one addressed some of the very interesting items tucked into the back of the document. For instance, on the law requiring no more than 20 students in kindergarten classes and no more than 25 in grades 1-6, the report suggested that those numbers be "targets" and that "school wide averages should be used to attain compliance."

Another item that might be of interest to those battling school consolidation is the attention given to transportation.

The report noted that "transporting students to and from school requires a large number of service personnel. The county boards of education are restricted on the number of service personnel that may be employed with the 'School Aid Formula.' Since the transportation system requires a major proportion of the service personnel, many times there are too few service personnel left to provide the support services of the school system such as maintenance and custodial services."

One conclusion that might be drawn is that money could better be spent on community schools than on operating major transportation programs. But the Commission instead recommended another study, a comprehensive study of transportation to examine funding, service personnel needs, inter-county service, routing, maintenance, safety training and privatization.

In July 1998, after a year of study, the Governor's 14-member Commission on Fair Taxation issued a 129-page report proposing sweeping changes in the state's tax system.

In a special section of the report, entitled "Funding of Education," the Commission proposed three changes in the way the state raises money to support public schools. The first was a recommendation that the Legislature eliminate property taxes as a source of funding and instead support the public school budget with general revenues generated through a reformed state tax structure.

The Wheels on the

photo: Beth Spence

The Commission also proposed that local voters and boards of education retain the right to approve excess levies to pay for educational programs over and above the thorough and efficient standard required of the state.

Finally the Commission called for a Constitutional amendment making "the Legislature — not the Supreme Court – the sole and final arbiter of what spending plan is necessary to provide a thorough and efficient public school system."

Taking a swipe at the Recht Decision while revealing its own political nature, the Commission offered the opinion that the state "will never have a fair, stable and competitive tax structure until control of the public school budget – which represents the majority of its overall budget – is fully subject to the democratic process. Likewise, we in this state will never have a thorough and efficient system of public schools until the institution having the constitutional responsibility for funding that system is given the clear authority to periodically adjust educational priorities based on accurate measures of the results of the present programs."

Among the Commission's other recommendations:

- Eliminating personal property taxes on automobiles, machinery, equipment and inventory.
- Eliminating state property taxes on real estate and giving cities and counties the power to tax real estate and retain the proceeds for local use.
- Replacing sales and services taxes with an excise tax on the purchase, sale or use of personal property.
- Retaining estate taxes, severance taxes, racing fees, bingo fees and special revenue taxes on gasoline, tobacco, liquor, beer, wine.
- Replacing the personal income tax with a progressive income tax.
- Replacing up to ten business taxes with a single business tax.

Saying the proposed changes would impose fewer taxes and create a less regressive tax system,

"The real question is: Why is a resource-rich state like West Virginia so poor . . .

Tax and Revenue Secretary Robin Capehart, who chaired the Commission, told *The Charleston Gazette* that in the past the state "used its tax system to punish and reward . . . to engage in class warfare . . . to use social engineering." He said the current system "limits the ability of local governments to take care of themselves."

While a spokesman for the West Virginia Education Association took a cautious approach to the recommendations, saying he would have to wait for more information before commenting, the director of the Affiliated Construction Trades Foundation charged that the commission had side-stepped the real issue.

"These proposals drive me crazy," Steve White told *The Gazette*.

"The Blue Book says there are 54 billion tons of recoverable coal reserves," he said. "Today, when coal reserves are sold, they are worth between $1 and $1.50 a ton. So it is reasonable to assume the value of coal in West Virginia is somewhere between $50 billion and $75 billion. The tax commission should be asking how much should be collected in property taxes on coal.

"But we also have to ask why the state keeps giving new tax breaks to industries like the timber and wood-products industries. Timber is another natural resource where a few people make a killing. And the state tax system helps them. The real question is: Why is a resource-rich state like West Virginia so poor. The answer is that we are not collecting the taxes due on the state's coal, oil, natural gas and timber resources."

“There is no greater testimonial to the success of the Basic Skills/ Computer Education program than to view the children in action.

In January 1997 members of the West Virginia Board of Education publicly patted themselves on the back when a report card grading the state's education system was issued by *Education Week*, a trade publication for teachers, principals and counselors.

Initial media stories about the report card were glowing. The Associated Press said that "despite the state's high poverty and a scattered population, *Education Week* gave West Virginia three A's for standards, level of spending and equally spending the money, in part because of a 1982 state court ruling."

The wire service noted that no other state received three A's, although the states did not receive an overall grade, and the study did not make an attempt to rank them in terms of educational excellence.

Members of the State Board of Education, however, viewing the report as vindication for their efforts, didn't hesitate to congratulate themselves.

"Those around the country who have considered our state to be a backwards, rural state with an inferior education system, well, let that myth now be dispelled," proclaimed Board of Education member James MacCallum.

Chimed in State Board of Education President Cleo Matthews, "Despite our poor standing in per capita income and despite our image a supposedly more sophisticated world has about us, we have managed to come out on top."

Not so quick, *Education Week* editor Ron Wolk told *The Charleston Gazette*. "We didn't evaluate the schools, we evaluated the state policies that will allow the schools to get better. Some states are doing much better in scores, maybe because of wealth, but they haven't put policies in place to benefit the students," Wolk said. "West Virginia has put in place a set of policies and is ready to improve its schools. (But) NAEP (National Assessment of Education Progress) scores suggest there's a long way to go."

In fact, the state received two C's – for quality of teaching and school climate – and a C-minus in allocating money for schools. And the report contained the suggestion that the State Superintendent of Schools was planning moves that may set back standards and assessments reform.

Specifically, the authors were talking about Hank Marockie's plan to design the state's educational objectives and standards around the Stanford 9 standardized achievement test. "If you talk to anyone in standards or reform, they'll tell you that's a cockamamie idea," Wolk said. "Norm-referenced tests don't have standards in them."

Skill: Multiplying 2-digit
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x 20
A.
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F.
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The state officials who trumpeted so loudly about the report card also failed to mention the *Education Week* headline describing education in the mountain state: "Pushing Forward: West Virginia's schools have surged ahead, but are they veering off course?"

Not too many people intimately involved with Lincoln County's education system would give it an A. Most would grade it no better than average, and many see the system as failing the students it is intended to serve.

An elementary teacher said she could give the system no more than a D and that probably would be a gift. "I think we're failing," she said. "If not, we're pretty close to it. When you see the dropout rate, when you see our test scores, when you talk to teachers and you hear the attitudes that they have."

Another elementary teacher gave her own profession low marks. "I'd give Lincoln County schools a C, certainly not above," she said. "I think the problem is mediocre teachers."

A secondary teacher said he couldn't give the whole system one grade – the grade would depend on which students you are talking about. "For the top students, it's a B+ or A because they do well anywhere," he said. "But I'll tell you the honest to God's truth, I really think that the overall grade is an F.

photo: Ric MacDowell

"We get an F for sure on the 50th percentile kids, the bottom half of the classes on test scores, the kids that score in the lower 50th percentile, there is almost nothing for them in school, there's nothing that interests them. We're really serving the top 25 percent, the college-bound curriculum."

A reformer said flatly that Lincoln County would receive a failing grade because of its politically controlled administration. "Lincoln County's administration would get an F," she said, "because the heart of it is the political system, the administration that's controlled by the political system. You have excellent teachers in Lincoln County who really want to make a difference. When you know it isn't going to get any better and you know that nothing's going to change, there's no motivation to do better and to be better and to go further and to raise expectations."

So, is the major problem for Lincoln County and other counties like it a lack of resources, the decisions about how to use those resources or a combination of the two factors?

Charles Damron, the former legislator who was hired as a lawyer for the Lincoln County Board of Education, commented about education on an almost weekly basis in his other position as associate editor of *The Lincoln Journal*, the county's only newspaper. Damron insists that there just isn't enough money to provide what is needed educationally for children in Lincoln County and that county officials are doing the best they can, especially in view of unfunded state mandates that eat up county education budgets.

"What happened back in the eighties is that then Governor Rockefeller and the Legislature refused to take the expensive and painful steps to equalize funding throughout the state. The question now is: Will the present governor and Legislature do any better than the earlier ones?" he asked.

On the other hand, the *Charleston Daily Mail* has repeatedly editorialized that money is not the problem with West Virginia's schools – and particularly Lincoln County's schools. "West Virginians spend more than the national average on schools – quite a feat for the second-poorest people in the nation . . . In 1980 the state spent an average of $3,814 per student, Lincoln County spent $4,003. In 1994, the state average reached $5,512 per student. Lincoln County spent $5,736.

"The ills of West Virginia schools do not stem from lack of money. The money is there. The Recht decision wasn't implemented be-

"The ills of West Virginia schools do not stem from **lack of money.**

cause it wasn't needed. What is needed is an explanation of why money fails to produce excellence. Perhaps Lincoln County school officials could explain that."

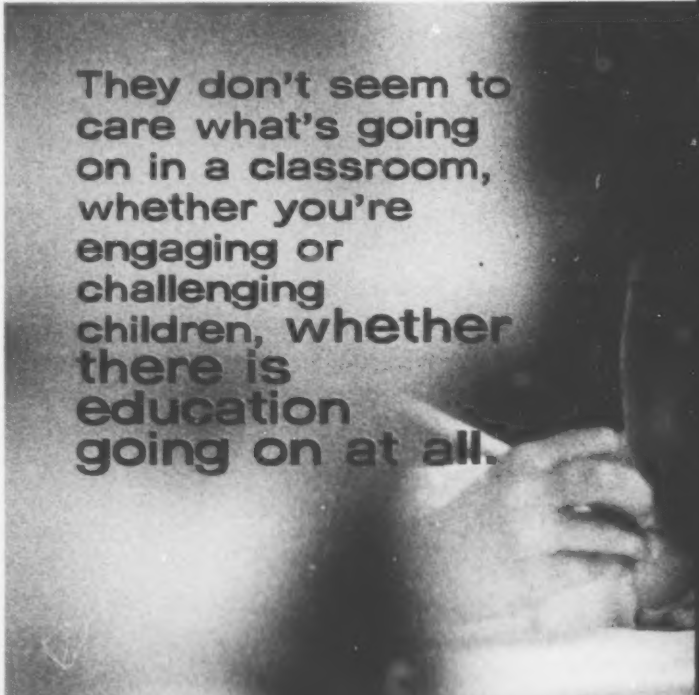
Louis K. Watts, principal of Lincoln County's Midway Elementary School and one-time director of curriculum for the county, stepped forward to offer a response to one *Daily Mail* editorial in which he personally was taken to task for suggesting that the problem was lack of funds. "The tax base in Lincoln County is low," Watts wrote. "Despite the fact that our people have traditionally voted for a 100 percent excess levy to buy textbooks, library books and materials . . . that levy does not generate a great sum of money in a county with little industry and where the county school system is the largest employer.

"I (did) not suggest that money was the answer to all of our county's problems. It is disturbing, however, to think that editors apparently believe that socioeconomic conditions and equity of funding have no relationship to student achievement."

As the debate has raged on for more than a decade, little has been done to address either problem. The financial support for school systems has not been equalized as Judge Recht ordered, and very little, if anything, has been done to investigate and remedy management problems.

Likewise, the problems to which Watts draws attention – the relationship between socioeconomic distress and low student achievement – have not been addressed. Nowhere is there evidence that the state has become intimately involved with schools that have high populations of at-risk students. In fact, the teachers and administrators of those schools have in essence been left to fend for themselves. "For some reason, nobody cares what's going on in your room. Most principals don't come in. Nobody from the central office comes in. It's like nobody cares what you're doing," said Betty Jones. "We don't have anybody at the State Department that ever comes out in the school system or knows what's going on in the classroom. All we get from the State Department are checklists. This is supposed to be done, that is supposed to be done, we're supposed to be teaching this or spending so many minutes on that. They don't seem to care what's going on in a classroom, whether you're engaging or challenging children, whether there is education going on at all.

"When I taught in North Carolina more than 30 years ago, we saw state supervisors in every area of the curriculum in our classrooms. I mean, they were there seeing what we were doing. We had serious curriculum planning meetings. But until people get concerned about the curriculum, and that has to begin with the State Department, I don't think we're going to get that kind of initiative from Lincoln County. I think the people who are in charge of education here are satisfied with the status quo."



They don't seem to care what's going on in a classroom, whether you're engaging or challenging children, whether there is education going on at all.

One point The *Daily Mail* ignores is that sparsity of population makes higher per student spending inevitable. School systems that don't have as many students per square mile must either operate more schools or more buses – or both. The sparsity issue is one that makes it very difficult to separate the tangle of economics and politics in the state's schools.

"Educating students in sparsely populated counties is not cheap," stated *Schools in Crisis*, the 1989 report of the special task force on rural school districts. "Thus higher costs which arise as a consequence of this sparsity must be regarded as one of the economic facts of rural life rather than as evidence of wastefulness or as costs which can be erased by stricter expenditure controls."

Specifically, transportation costs were noted as inherently higher in sparsely populated counties. "Every county in the 25 most sparsely-populated counties has higher than state average transportation costs per pupil," the study stated. "In fact, it costs approximately $98 per student, or 40 percent higher than the state average, to transport children in these counties."

The report also stated that the cost of specialized programs and services is higher in rural schools, and that sparsity "ensures that rural districts will have relatively high per-pupil costs for energy, administrative overhead, equipment and materials, and the maintenance and construction of school facilities. There are certain minimum fixed costs which schools must bear regardless of their enrollment. Having fewer students over which to spread these costs inevitably means that the per-pupil costs will be higher in rural schools."

At the time the report was written, West Virginia had 25 counties defined as sparsely-populated (two more have since been added to the list). Many of those counties already had experienced extensive consolidation of schools; fifteen at that time had only one county high school.

However, even in Lincoln County where parents and teachers have repeatedly insisted that inadequate funding remains a real roadblock to educational excellence, there are those who think *The Daily Mail* makes an interesting point about mismanagement of available funds and that attorney Charles Damron and people like him are part of the problem.

The State Aid Formula allows counties so much money for administrators, based on student enrollment. The county is required to have a curriculum supervisor. It has to have a superintendent. After that, the county Board of Education determines how to spend money. When Lincoln County officials complain that they have cut to the bone, they don't always take into consideration positions that could be eliminated or consolidated.

"When cuts have to be made, Lincoln County has made the decision to cut teachers and eliminate field trips rather than cut supervisors," an elementary teacher said. "This year (1997) we were told that the acting superintendent proposed eliminating the positions of school bus supervisor and maintenance supervisor. But that never did happen, even as schools were being closed.

"When I think of what these people's salaries are and how horrible the bus schedules are, how badly the buildings are maintained, I just want to throw up my hands," she said. "It's very apparent the children of this county are not the top priority for the men who run the school system, and, until that changes, it won't matter how much money you send in here for education. It will continue to be used to fuel a political machine."

Another teacher complained about the Board's action in hiring the lawyer. "They had unnecessary legal costs to start with, so they hired this attorney to save them money, spending around 60-some thousand dollars, to save $61,500."

The teacher said she and other teachers at her school didn't have a planning period, so they filed a grievance. The response from the administration was to put one teacher in charge of 50 children for an hour so another teacher could have a planning period.

"They blatantly break the law, and they do it as a control," the teacher said. "We wanted a planning period, so they showed us. They gave us two classes to teach for one class period. So you have 50 kids in a room that's designed for 25."

Teachers took the matter to circuit court, and the Board of Education ended up having to pay the teachers a percentage of their salary for each day they did not have a planning period, the teacher said. In addition, the Board had to pay all attorney fees, both its own and those of the teachers, together with all court costs. All of this was, of course, at taxpayer expense. The entire episode was about misuse of power, the teacher said. "All it was, in my opinion, was to keep us in line."

It all goes back to the priorities of the education system, the teacher said. She is convinced that political leaders are more concerned with keeping constituents happy or making sure someone has a job than making sure low-income children receive a good education.

"They should never have hired the attorney to start with," she said. "There's nothing we can do about that, but it's gross misuse of public funds. Our children are the victims. They're the ones suffering, and no one seems to care."

The teacher said she understood that Lincoln County received more money per pupil than other counties in the state. "There's no reason for the system to be in the state it's in, so it has to be poor management countywide," she said. "The money's coming in, but it's poor management in the county and politics.

"This is how this system goes, and it's another reason why we will never have a thorough and efficient system in Lincoln County, until they clean it up from politics. They could put thousands upon thousands of dollars per child, and it would never make a difference. Because until they get the politics out of the school system, it's never going to change."

So, again, is the problem lack of funds or mismanagement of available funds because of local political control? There are no easy answers. As Dan Hedges said, you can guarantee you won't have an adequate education system if you don't provide the necessary resources. Likewise, you can guarantee you won't have an adequate education system if you can't remove political patronage from the equation.

The argument about which is the greater problem could be debated forever. The sad fact of life in West Virginia is that a scarcity of resources coupled with political mismanagement of the funds that are available have resulted in a two-headed monster that frustrates reformers and works to the detriment of children. As long as resources are inadequate and poor management practices continue, the mindless debate as to which is the greater problem can go on and on. Both need to be addressed and remedied if the state is ever to provide a thorough and efficient system of free schools for all our children.

While Lincoln County parents were losing the fight to save their elementary schools, an equally disturbed group of Pendleton County parents went to court in 1997 to try to stop the proposed closing of Circleville School, whose 130 high school students were to be merged into a renovated Franklin High School.

Circleville and Franklin are separated by approximately 17 miles of some of the most rugged terrain in the state of West Virginia. The Circleville parents expressed concern that their children would have to travel an additional 34 miles round trip on steep and winding roads. The daily trip would include two passages over the 3,700-foot North Mountain, a perilous piece of highway that becomes even more treacherous in winter.

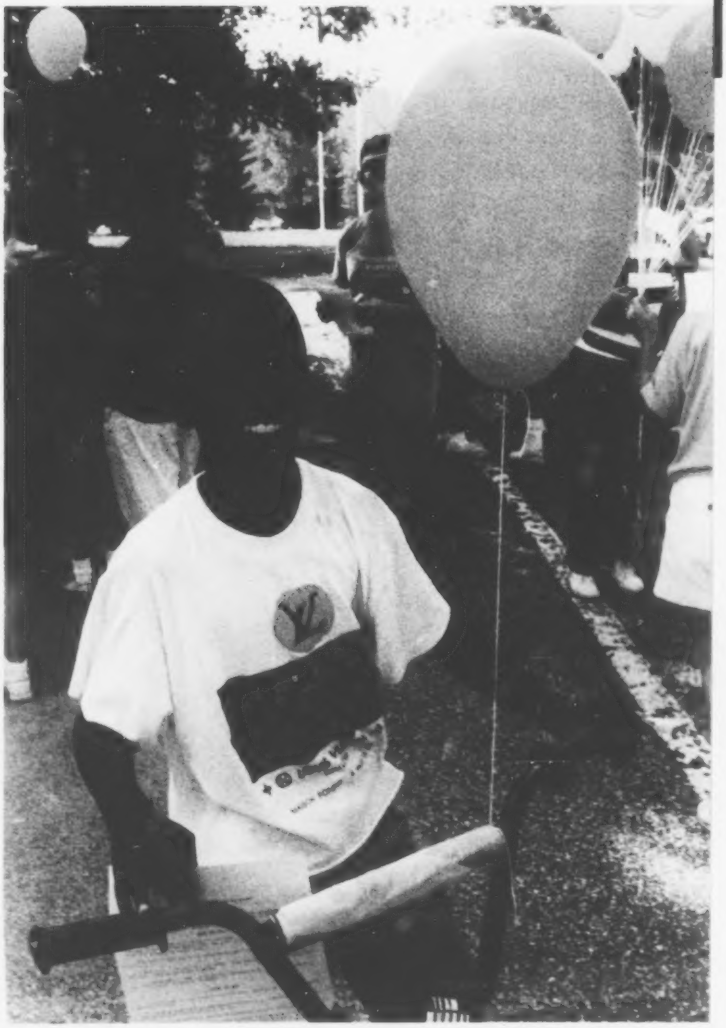


photo: Covenant House

Bob Bastress and Jim Lees, attorneys for the parents, brought suit on their behalf against the Pendleton County Board of Education, the State Superintendent of Schools and the School Building Authority. They maintained that the SBA's arbitrary school size requirements are unconstitutional because they do not take into account rural geography or demography, thus unconstitutionally denying rural schoolchildren equal access to educational opportunity.

Witnesses from the area testified that the extra 17 miles over North Mountain would add 30 to 50 minutes of bus time each way for the students, countering the state's contention that the consolidation would add only 15 to 25 minutes to the trip. Lawyers for the parents pointed out that if the consolidation took place, a significant number of Circleville children would endure bus times greatly in excess of the maximum permitted by State Board of Education Policy.

That policy, set out in an often ignored guideline, allows elementary students to be on a bus 30 minutes one way, middle and junior high students 45 minutes one way, and high school students 60 minutes. The attorneys said even without the consolidation, Pendleton County had such sparsity of population that it incurred the highest school busing costs per student in the state.

In a letter to the editor of *The Charleston Gazette*, Robert Phares, vice president of the Pendleton County Citizens for Community Schools, pointed out that the transportation issue is not simply busing children 17 miles to Franklin, but "17 more miles across North Mountain, in addition to the 20 miles that they are already being bused. The frequent winter storms that typify North Mountain will create nightmare situations for the children and parents alike," Phares warned.

He also noted that "since all children from pre-schoolers through 12th graders will ride the same bus, it will mean that many 4- and 5-year-old children and K-6th graders may have to board the bus by 6:15 in the morning in order for the bus to get to Circleville by 7:15, so the 7-12th graders can transfer to another bus to Franklin. And in the evening these same young people will have to wait until 3:40 for the bus to return from Franklin so they can reload to return home. For many pre-schoolers and K-6th graders, that will mean at least a 10- to 11- hour school day – an intolerable and illegal situation."

But physical distance is not all that separates the two communities. The youngsters who make up the Circleville student body come from a farming background. A high percentage of them (approximately 50 percent receive free or reduced school meals) come from low-income families.

In their efforts to save their school, the Circleville parents made some of the same points that parents around the state have made in favor of small rural schools – the school is an integral part of the life of the community. It isn't simply a learning factory. Their lawyers noted that the distance from the school will significantly diminish the students' ability to participate in extra-curricular activities, and it will limit the ability of parents to maintain the high level of involvement they have had in the life of the school.

"Increased school size does not correlate positively with educational quality or educational outcomes."

Circleville School, which served students in grades kindergarten through twelve, has been described as less a community school than a regional school for those who live in the North Fork Valley, which runs from Grant County to Pocahontas County. The building, a stately red brick structure with white columns, is listed on the National Register of Historic Places and sits on land owned by Robert Phares' family since 1790. A baseball diamond adjacent to the school hosts games from Little League up, and the school's gym is open every Tuesday night for students to play basketball, Phares told the *Charleston Daily Mail*.

Phares and others in the community are upset that the state is destroying something that belongs completely to the community it serves. "The state didn't build this, the county didn't build it," Phares said. "The people up and down this valley built it and turned it over to the county and the state to maintain it, and they haven't. It was a free gift."

Phares said attempts had been made to close Circleville since the 1970s, but were unsuccessful until redistricting efforts earlier in the 1990s changed the composition of the county's school board. As the Circleville community lost its voice on the school board, the school's maintenance needs were ignored, residents told *Daily Mail* reporter Bridget Bradburn.

Derek Vandevander, as he prepared to begin his senior year in high school, assessed the situation, "They don't want to make the improvements so they have an excuse to tear it down," he said. "Politics and money – that's all it comes down to."

The arguments culled by lawyers from the concerns of parents were reminiscent of those made in other school consolidation cases from counties across the state that found their way to court over the years. The difference was that they were made in the courtroom of Kanawha Circuit Court Judge Tod Kaufman, who, moved by evidence others had ignored, ruled in favor of the parents.

In his decision, Kaufman took full aim at the School Building Authority, saying when the SBA decides to fund projects, it fails to consider how closing and consolidating schools will affect students from poor and sparsely populated areas. He said the School Building Authority should not use size of school as a factor in funding school building projects. The decision, in short, invalidated the very core of the SBA's priorities – the concept of economies of scale.

Kaufman's ruling made it clear that he saw crucial factors the SBA has ignored in its rush to make sure counties operate the fewest possible number of schools. "The Circleville school is the social, cultural, education and recreation center of the North Fork Valley," the judge wrote. "Its closure will have a serious adverse effect on the life, spirit and economy of the valley."

Further, Kaufman found that state school officials have not demonstrated that closing and consolidating schools saves money or improves learning. "Increased school size does not correlate positively with educational quality or educational outcomes."

The judge chided the state for a policy of lumping students together into one school whenever possible while ignoring the area and terrain. He said the closing of Circleville High School would violate its students' rights to a quality education. The case was appealed by the State and the Pendleton County Board of Education to the State Supreme Court of Appeals, which heard arguments during the summer of 1998.

Not surprisingly, State School Building Authority Executive Director Clacy Williams reacted immediately and negatively to Kaufman's opinion, saying the decision threatened to freeze more than 60 school building projects worth about $230 million across the state.

Joining Williams as one of the most vocal critics of Kaufman's decision was, predictably, Lincoln County Superintendent Powell, who told *The Charleston Gazette* the biggest tragedy of the ruling is the effect it will have on children.

"Ultimately, I hate to see anything that will impede the opportunity for the children," he said. "I would hope that the SBA and the state would appeal it so that we can continue to make educational improvements for the children. The SBA has tremendous impact on the educational quality for our children."

The Charleston Daily Mail weighed in as well, saying the ruling "saved Circleville, but destroys the education of its children." The Mail compared Kaufman to Recht, saying that Kaufman, like Recht, "thinks he knows better than 134 legislators, state school officials and the governor when it comes to education."

The arguments in support of the SBA ultimately swayed the State Supreme Court of Appeals, which in July 1998 voted unanimously to overturn Kaufman's decision and thus allow the closing of Circleville School. In the opinion, written by Justice Larry Starcher, the court said the SBA's funding formula does not violate state law and that closing Circleville does not deprive its students of their constitutional right to an education.

photo: Beth Spence

State officials were jubilant. "This is a significant statement that we will be able to reach the goal of thorough and efficient education for all students," said Superintendent Hank Marockie. "It supported the mission where the state is going. It supports the future for the development of schools. It really supports the initiative to encourage systems to move into consolidations and to look across county lines."

The *Daily Mail* backed up the decision editorially. "People do not have an entitlement to a nearby school no matter how far from the beaten path they may choose to live. Taxpayers cannot afford such a policy."

photo: Beth Spence

While acknowledging that the community will suffer pain, the *Mail* insisted that the "new school will give the children of Circleville a far better shot at jobs in the next century," and maintained that by reversing Kaufman, the justices are allowing "state officials to make schools more efficient."

But Jonathan Sher, who studied school consolidation for the North Carolina Department of Public Instruction in 1986, said his research failed to find educational improvement for children in large, consolidated schools. Sher told the *Charleston Sunday Gazette-Mail's* Trina Kleist he found research supporting large consolidated schools "inconclusive at best and embarrassingly shoddy at worst."

"Moreover," he told Kleist, "we were taken aback by the extent to which the legitimate arguments in favor of bigger schools and school districts had been routinely exaggerated, overstated and oversold."

Sher said of the ten North Carolina districts with the lowest dropout rates, six had an average high school of fewer than 600 students and none had more than 1,200 students. Of the 15 districts with the highest math and reading test scores, ten had an average high school size of fewer than 600 students.

He found that there was no guarantee large schools would save money and concluded that "there's not a single major national report that says consolidation is the answer. Not a one."

The thousands of parents across the state who have fought to preserve community schools are certain those schools have value and that learning is not only possible, but can even be enhanced, when it is grounded in a community that provides support, history and concern for all its children. The Pendleton County citizens group maintains that satellite classes were used to meet the technological needs of their children, while the small school setting allowed teachers to tend to the emotional and physical needs of students. The problem citizen groups face in trying to defend their schools is that what some refer to as "place value" is difficult to quantify.

A former Board of Education member from Webster County noted that of the four elementary schools remaining in the county, tiny Hacker Valley, with fewer than 100 students, had the top test scores. The second school in size, Diana Elementary, with approximately 150 students, had the second highest test scores, followed by Webster Springs, with approximately 400 students, and finally, the 700-student Glade Elementary. The Hacker Valley students also had the lowest dropout rate and none had ever been suspended from school for disciplinary reasons, the board member said with pride.

"One of the things we know is that children need a sense of community.

They're just like adults. We need a sense of community and a sense of place.

Deirdre Purdy told the story of Nebo School, a three-room facility serving an extremely low-income community in Clay County. Despite the poverty of the families whose children attended the school, Nebo parents raised $7,000 each year to support the school and had 100 percent parent participation in its PTO. When the school was closed, that strong parent involvement didn't follow the children the eight miles down the road to Ivydale. Only two parents from the Nebo area have been talked into participating in the PTO at Ivydale.

"To urban administrators, moving a school ten or fifteen miles down the road may seem a minor adjustment on the state map, but local schools are the only town hall, gym, polling place, theater, dance hall and recreation center," said Purdy. "Poor parents with worn-out cars, welfare mothers with more kids at home, grandparents and proud neighbors can get to the community school for the talent show or the kindergarten graduation, but they cannot get ten or fifteen miles down winding two-lane roads or over mountains. Parental and community involvement in the schools drops precipitously. No balance sheet is kept of such immeasurables, but these systematic blows to education, community and citizenship cannot be good for social morality of students or the state."

Linda Martin agrees. "One of the things we know is that children need a sense of community. They're just like adults. We need a sense of community and a sense of place. That's one of the things that affects how children see themselves and how they live in the world. It leads to all kinds of negative behavior in children when they don't have a sense of place."

In research for his doctoral dissertation, Craig Howley found that the factors cited by parents in school consolidation case after school consolidation case really *are* the factors that make small, rural schools better for low-income children.

"Increased school size has negative effects upon student participation, satisfaction and attendance, and adversely affects the school climate and a student's ability to identify with the school and its activities," Howley wrote. "In addition, small schools may be friendlier institutions, capable of involving staff and students psychologically in their educational purposes."

In testimony in the Pendleton County case, Howley said that children from lower-income families fare better in small schools because small schools blunt the usual negative relationship between socio-economic status and academic achievement. He warned that taking children of lower socio-economic status out of their communities and combining them with children of higher socio-economic status will negatively affect the educational development of the more impoverished children.

In a brief filed with the State Supreme Court on behalf of the Annenberg Rural Challenge, attorney Franklin Cleckley stated, "The majority of West Virginia's rural children are also poor, increasing their educational need and making this denial of access to schools doubly destructive. When education is a fundamental right, an equitable and adequate state-wide facility funding program must recognize crucial differences in rural geography and demography which affect appropriate, accessible school sizes."

The Pendleton County case, he said, captures the essential problems of West Virginia's policy regarding school size requirements. "Large schools mean large catchment areas," he said. "Large catchment areas mean exhausting bus rides, with students traveling hours each day.

Falling student achievement, lower extracurricular participation, decreased family involvement and rising dropout rates mark resulting failures of educational equity, adequacy and access for rural students."

It is easy to dismiss those favoring small schools as ignorant hillbillies who are anti-education and anti-progress. But in doing so, the news media and critics miss another important factor – the symbiotic relationship among legislators, state and local school officials and the governor that has created and nurtured current education policy.

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That relationship, built on political need and fueled with School Building Authority dollars, makes it exceedingly difficult, if not impossible, for officials involved in making education policy to oppose the current school funding system while it forces legislators, local school board members and superintendents to rally together against all who oppose it, whether they are low-income parents or judges who happen to see merit in the values of those parents.

Two governors and the state school officials they have appointed have created a system of building and financing schools that now seems locked into place. Any legislator who would dare oppose the School Building Authority only ensures that his or her home district gets none of the educational pie. And putting his or her district out of the running for the SBA money wouldn't be helpful when that legislator needs to be reelected.

The same dilemma exists for local school board members. As former Senate Education Chairwoman Sondra Lucht said, if lawmakers did not force county educators to consolidate schools, they would never do it. The Pendleton County situation is a case in point. Basiress and Lees pointed out "the policies of, and pressure from, the State defendants forced the Pendleton County decision to close Circleville High School."

"Pendleton County had no possibility of raising the money locally to finance major school construction or the renovation that was critically needed at Franklin High School," the lawyers stated. "Thus, the county's only means of finance was through the SBA. But the SBA's weighted evaluation criteria (and especially its insistence on either minimum school size or county-wide catchment areas) meant that funding would never be forthcoming for Pendleton County unless it closed Circleville and consolidated the high schools."

"It comes down to a sense of values," she said. "What are your values, what do you want in your child's education?

photo: Beth Spence

Bastress and Lees said the SBA from 1990 to 1994 repeatedly rejected Pendleton County's requests for funds when those funds would have been used to renovate and maintain both high schools. Immediately after the county changed its comprehensive facilities plan to include consolidation, the request for funds was approved.

"In addition," according to Bastress and Lees, "SBA officials told Pendleton County officials that the SBA would not allocate funds to renovate Circleville and that the county's only option was to consolidate."

In 1990, when the Randolph County Board of Education voted to close two small schools, one member of the board of education wept publicly and another resigned from the school board in protest of the action.

Linda Daetwyler Spencer said she was stepping down from the board out of concern that two rural schools were sacrificed to get $13.7 million to construct a new high school in Elkins. "It came back to us that, in order to receive any funding, we had to incorporate some or a lot of consolidation into our plan," Spencer told the *Gazette Mail*. "I'm not against consolidation where it's feasible, but ... they're hurting those children back on those country roads."

So county school boards may oppose consolidation and they may dislike the School Building Authority as intensely as do their constituents, but they can't really oppose the SBA. Keeping open local schools costs more than they can raise locally and the school aid formula narrows their options. So they have to consolidate. They may not be very happy about it, but they are stuck, just like the legislators, with a system that seems to be operating completely out of control.

Even the most hardened politician would be pressed to give concrete evidence as to how the consolidation of elementary schools really benefits the children of Lincoln County. The County's actions appear to fly in the face of the ruling by Judge Recht, who recognized that children in poverty come to school with more needs than children of more affluent parents.

Recht said class sizes should not exceed 20 students in grades kindergarten through second or 25 students in grades three through twelve. He said class sizes should be even smaller when children come from isolated areas and have had few life experiences.

"Instead of getting better, it seems that things are getting worse,"

A Lincoln County administrator, who is convinced that reading and early intervention are the keys to helping children succeed, said she believes the ideal class size for early elementary classes is 12 to 15 children. "That gives you enough diversity so children learn from each other and learn there are different kinds of people in the world and that we have to accept those people. And it's not too big," she said.

But just as state policy moves away from small schools, it also appears to be moving away from those ideal small classes. The state has routinely granted schools waivers to increase class sizes up to 28 students in elementary classrooms. And if the recommendations of the governor's Commission on Educational Quality and Equity are followed, those numbers may grow even more.

"Instead of getting better, it seems that things are getting worse," said a Lincoln County elementary teacher. "Judge Recht said we should have diverse programs, resource teachers, smaller class sizes so we can really work with children who come from deprived backgrounds and who need a lot of attention. Actually, we now have no resource teachers and class sizes are getting larger.

"I know a first grade teacher who had 25 students this year (1997). It's just an impossible situation for a teacher to have that many children. Some kids are going to fall through the cracks – and who are those kids? I'll wager it's not the children of the well-to-do. I guess my question is, do we now have a state policy that says we should just give up on the children who need us the most?"

Many of the students affected by the merger of Woodville, McCorkle and Midway are among the poorest children in Lincoln County – the students who would have attended Martin School had it not been closed. These students have to travel farther and endure larger classes, while their teachers are less likely to know their families and their home situations.

State Superintendent Marockie dismissed concerns about them and countless other impoverished rural students with three terse sentences in a 1990 interview with the *Charleston Sunday Gazette Mail*. "The ultimate value of consolidation is not consolidated buildings, but educated children," Marockie said. "In order to get those skills, one has to give up something. They must give up the nostalgia of clinging to rural culture."

The principal of an elementary school in a low-income community vigorously disagreed. "It comes down to a sense of values," she said. "What are your values, what do you want in your child's education? What never gets taken into consideration when consolidation happens in rural Appalachia, is that the children who are hurt the most are the children who exist in my school. The poor children who live far from schools are your dropout children. And then they become society's burden because they will be the unemployed and recipients of social welfare. So you can get them now, save rural schools, or you can pay for them later."

“Politics and money — [illegible] all it comes [illegible].”

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The story of *Pauley versus Bailey* still is being written in West Virginia. Superintendent Hank Marockie in August 1998 reported to educators attending a state-sponsored conference that he expected to face compliance hearings on the Recht Decision before the end of the year even though the Legislature passed a bill requiring the State Board of Education to review and update education standards for student, school and county performance through the newly-established office of Education Performance Audits.

Marockie's prediction appeared to be accurate in light of a statement by Judge Dan Robinson that he anticipated holding hearings in the late fall. Robinson also named Professor Richard Salmon of Virginia Tech in Blacksburg, Va., to serve as an expert witness to the court. Salmon is a nationally recognized expert in school funding formulas.

Meanwhile, the one drastic change that has taken place in community after community is the consolidation of the state's schools. Since 1990, local boards of education have closed 258 – or 26 percent of West Virginia's schools – and 28 more have been targeted for closure. Most of the schools which have been closed served small, rural, low-income communities.

As they have continued to fight for their local schools in court, citizen groups also have tried to make a difference at the polls, electing local school board candidates pledged to support and defend small schools. In Mason County, two consolidation opponents were elected to the local school board in 1998, giving those who have fought to maintain the county's three small high schools a three-to-two majority. Since that election, the school board has voted to disband a committee formed to plan a regional Putnam-Mason regional high school. The county also stands to lose SBA funds awarded to construct a consolidated high school in Point Pleasant.

Following the action by the Mason County board of education, school officials in Logan and Lincoln counties began meeting to plan a regional school of their own – a school that would serve children attending Harts High in Lincoln County and Chapmanville High School in Logan County. According to *The Logan Banner*, the Logan/Lincoln officials hope to get the funds Mason County is losing.

At the same time, the *Lincoln Journal* reported that Sen. Lloyd Jackson has persuaded the state to deed back to the county land that once was used as a "poor farm." Those who have followed school news in Lincoln County for the past decade believe the local school board will propose a consolidated high school for the rest of the county on the poor farm site – even though no public statements have been made to that effect.

In an attempt to head off lawsuits over school closings and consolidations, the SBA announced in June it will require county school districts to hold forums to gauge public support for school building

projects. The SBA has given each county $20,000 to develop ten-year comprehensive education facilities plans during the next year and a half. Under the new guidelines, school districts are required to hold at least two public forums to discuss their building plans instead of waiting until those plans have been developed, as has been the case in the past.

The challenge for legislators is to provide the resources to allow the full implementation of the Recht Decision, and they must do it now.

"They must take their plan to the community and talk about it," SBA director Clacy Williams said. "We want to try to solve problems before they become aggravations. The purpose is to let the public be part of the planning process. The public is going to be educated and informed."

The message appears to be reaching state school officials that school systems must take into account the concerns of the parents and citizens. West Virginians haven't been able to discuss their vision of an excellent school system because, since the Recht Decision was issued, the battle line between the state and communities has been drawn over the issue of consolidated schools versus community schools.

The Recht Decision has been a mixed blessing for West Virginia's school children. On the one hand, it sets high standards which, if implemented, would give all the state's children an opportunity for unlimited educational possibilities. On the other hand, for the past sixteen years, the *Pauley* case has remained unfinished business. While Legislators have failed to provide the necessary resources, West Virginians have debated whether the problem with our schools is lack of funds or poor management or both.

It is no longer acceptable to pretend that computers and new buildings make our education system better. It is no longer acceptable to create committee after committee to endorse failed policy – or to pass the buck about financing and reform to another committee. The time for action has long since passed.

If the governor and legislators believe, as the Governor's Commission on Fair Taxation recommended, that the Legislature is the "sole and final arbiter of what spending plan is necessary to provide a thorough and efficient public school system," then the politicians in Charleston need to quit complaining about how hard that job is and take the courageous action necessary to make it happen.

The challenge for legislators is to provide the resources to allow the full implementation of the Recht Decision, and they must do it now. They need to implement legislation which ensures, once and for all, fair and equitable taxes on all property, even if it means that certain industries have to begin to shoulder a much greater load than they have in the past.

They must restructure the School Aid Formula so that school systems receive the funds they actually need to operate high quality schools that serve the best interests of children – not do the best they can with the funds made available to them. They must restructure the School Building Authority so that the "economies of scale" criteria no longer drives decisions to fund school construction. They need to lower the maximum class size in grades one through three to twenty students or less per teacher to make sure every child gets a fair and equal chance for a good education.

Local boards of education must develop programs that truly reflect the needs of their counties and their children – not plans based on pressure from a state bureaucracy so removed from the children that its leader thinks rural culture is something separate from who those children are, just a frill that should be given up in the interest of economy. Board members need to visit the schools they represent on a regular basis, talk to the teachers and children and have those faces in their minds when they make policy.

And they need to make sure that *intra*-county funding is fair and equitable. It's unfair to say that small, rural schools are not good schools, when, in fact, those schools are not financed equitably when compared with other schools within the county. This is an issue that has not been addressed except by those who teach at, administer or have children attending those schools.

County boards need to push the Legislature, the State Board of Education and the State Department of Education to understand the needs of the children in classrooms throughout the state. They need to take political risks by insuring that the majority of funding goes directly into classrooms rather than into political jobs and bureaucracies. And every board of education member whose primary interest is politics rather than children, should immediately resign his or her seat and leave education policy in the hands of people who genuinely have the best interests of children at heart.

The challenge to parents is to put children first even those children who aren't their own

Members of the State Board of Education need to volunteer one day a week in a community school where there are high numbers of at-risk children and listen to the concerns of teachers, parents and children so that they have a personal understanding of the educational needs, especially in poor rural counties. It is easy to visit Robert C. Byrd High School with the President and admire its state-of-the-art technology. It is a much more difficult experience to go to counties where lack of funding makes it impossible to have even the basics needed for educational achievement.

The State Board needs to mandate officials in the State Department of Education to monitor classrooms and schools across the state, to encourage local management of schools through curriculum-planning sessions, empowered faculty senates and school improvement councils that truly have a voice in local education issues.

The challenge to the State Department of Education is to send the staff that sits in the office in Charleston shuffling reports out into classrooms across the state with the mission of helping make the schools truly excellent. Top-level administrators themselves should get out into schools – and not just Blue Ribbon Schools or schools with cutting-edge technology.

Those who set policy need to look closely at those schools which work to try to determine why they are successful and at those which don't work to try to determine why they are not effectively serving the children. They need to pay attention to the things that excite children and help them learn. Often these are the things that spring out of the youngsters' experience and culture. The voices at the school level can help guide educational policy.

The challenge to parents is to put children first – even those children who aren't their own – to participate in school improvement councils and fight to make them truly strong and effective instruments of change. Parents need to make their county board of education members and their legislators aware of the problems in the schools. They need to raise their voices in the battle for better schools – not wait for someone else to do the job.

The challenge for taxpayers and citizens is to support with our dollars and our voices and our votes those people in our school systems who truly do understand the needs of children and every day give their best to offer all of us a brighter future.

A Lincoln County administrator who started her teaching career at the age of 19 in a one-room school and continued her education until she received her doctorate, spoke with great earnestness about why she remained in the system, despite its flaws and what she believes we must do for the children.

"No one person can fix the schools. It takes lots of people. Everybody's tomorrow depends on what we're doing today – or not doing," she said. "The problem is taking it from theory to practical terms. Do we really believe some kids go hungry if we don't feed them? All people have to do is get out and visit a school and watch children eat. That's all they have to do. And they'll see for some children, that's all they get. At least, that's the best meal they get. School's the safest place for them. It's the best place they could be.

"Of course the schools cannot solve all of society's problems, but if we don't educate people on how to solve those problems, how to access information, how to work together to solve problems, then there is no future for any of us, I don't think. I don't know the answers to a lot of questions. But I know one thing for sure. If we don't take care of the children, they're not going to take care of us or anything else in our future."

Those who have played leading roles in the long battle for better schools are haunted by the fact that the Recht Decision remains unfinished business in West Virginia.

Betty Jones recalls with a tinge of sadness her days teaching children at tiny McCorkle

"The decisions that have been made about school consolidation during the past decade and a half have put those children more at risk instead of helping them."

Elementary School, where she says she spent her happiest days in the classroom. It was a place, she says, where no one had a lot of money but parents were vitally involved with the school and children reaped the benefits.

"They felt that they belonged, that they were important – and they were in that school. Unfortunately, what I've seen come out of the Recht Decision is that children like them have lost their community schools," she said. "The decisions that have been made about school consolidation during the past decade and a half have put those children more at risk instead of helping them."

Deirdre Purdy agrees that state policy is particularly devastating for low-income children. "Forced consolidation deprives poor and rural children of equal educational opportunity and keeps them from getting their rightful education," she said. Her strong belief that socio-economic status and parental support are the two great indicators of student educational achievement was supported by expert witnesses in the Pendleton County case. "Small community schools are most effective in giving poor, rural students a thorough and efficient education," she said.

Linda Martin, now education director for the Challenge West Virginia program of Covenant House, hears the very same concerns she expressed more than 25 years ago echoed by parents today.

"They see political considerations being given more importance than their children," she said. "They see that the things that gave them a strong sense of who they are as rural West Virginians – their communities with schools in the center of them – are not considered important by the people who make education policy.

"When we look at those people who are under educated and uneducated, they are the people in our society who are suffering," she said. "Education has always been a way out of poverty and it still is. One of the major challenges for West Virginia's education system is to make sure every child gets educated. And the best way for many children to

"Education has always been a way out of poverty and it still is."

photo: Beth Sp

"The reality of the situation is that until more people care about this, more people get out there and start saying things about the need for education, the ultimate result isn't going to come about no matter what a judge says," — Dan Hedges

get a good education is in a school that is rooted in their culture and community."

Dan Hedges, whose name is synonymous with legal reforms of many institutions in the state and who remains passionately concerned about education issues, believes the future will be written by all West Virginians – policy makers, politicians, teachers, parents, taxpayers.

"The reality of the situation is that until more people care about this, more people get out there and start saying things about the need for education, the ultimate result isn't going to come about no matter what a judge says," he said. "And if he says something and everybody thumbs their noses at it and gives the Legislature what they feel is political support for doing nothing, then what have we got?

"If you make the resources available, things are going to improve in a lot of places, but things won't be perfect everywhere and there will still be issues remaining. But you can guarantee things won't be good if you don't provide the resources."

Julian Martin firmly believes that the funding dilemma remains the major obstacle to creating high quality schools in Lincoln County and around the state. "Rather than build new buildings, if you tax coal companies, double salaries (for teachers), halve class sizes – if you tax the coal companies and Wal-Mart and all those people, then you'd have enough money for supplies and equipment, and you would have creative people in the jobs," he said.

Judge Arthur Recht says the good news for West Virginia is that, even now, it is not too late to make his decision a reality. The judge, defeated in a 1996 bid to retain his seat on the State Supreme Court of Appeals in what some observers felt was a referendum on the historic decision that bears his name, remains optimistic about the future of education in West Virginia. Recht said he feels the most important part of his decision was the continuing jurisdiction in the Circuit Court of Kanawha County.

"If the plaintiffs feel that it's not being implemented, then they can come back at any time and . . . then you take testimony. Is it being implemented? Is it not being implemented? If it's not being implemented, why isn't it? And then keep that constant kind of pressure."

Finally, Janet Pauley, now in her sixties, is alternately optimistic and pessimistic when she looks back over the events that have taken place in education since that long-ago PTA meeting at McCorkle Elementary.

"I can't say that they (the schools) are greatly improved, but I don't have any regrets about what I did. I think it has helped some," she said. "I don't think it will ever be equal. What we have now is sure not very good."

Mrs. Pauley's youngest son is in his thirties. At the beginning of the 1997-98 school year, her red-haired granddaughter Anita entered kindergarten at the McCorkle Early Education Center, in the very building where her grandmother started her mighty push more than 25 years ago.

"It makes cold chills run down me," Mrs. Pauley said as she considered her role in one of the most ground-breaking court cases in the state's history. Then she paused and mused, "I didn't know when I started all this I was getting into a wasp's nest. I was thinking of the children, and that's all I thought of. I still just hope and pray something gets done for these kids."

photo: Beth Spence

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The Story of the Politics of Education in West Virginia

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Challenge West Virginia

Challenge West Virginia, a program of Covenant House, is committed to reforming education policy in West Virginia through a sustained grassroots movement in support of high-quality small community schools.

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